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WATER POLLUTION CONTROL HEARINGS ON WATER QUALITY ACT OF 1965

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HEARINGS

BEFORE THE

COMMITTEE ON PUBLIC WORKS HOUSE OF REPRESENTATIVES

EIGHTY-NINTH CONGRESS

FIRST SESSION

ON

H.R. 3988, S. 4, and Related Bills

FEBRUARY 18, 19, AND 23, 1965

Printed for the use of the Committee on Public Works



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WASHINGTON : 1965

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WATER POLLUTION CONTROL HEARINGS ON WATER QUALITY ACT OF 1965

THURSDAY, FEBRUARY 18, 1965

HOUSE OF REPRESENTATIVES,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C.

The committee met, pursuant to notice, at 10:10 a.m., in room 1302, Longworth Office Building, Hon. John A. Blatnik presiding.

Mr. BLATNIK. The Committee on Public Works will please come to order.

We meet in public session for the consideration of bills pertaining to the control of water pollution amending the Federal Water Pollution Control Act of 1956, and subsequently amended.

The hearings will be on H.R. 3988, by Mr. Blatnik, of Minnesota; the companion bill, H.R. 4627, by Mr. Fallon, chairman of the Public Works Committee; and S. 4.

The Chair will ask and the staff will see that the reporter has and at this point will insert a listing of the several related bills, and the House of Representative authors of these bills.

(The list of bills follows:)

WATER POLLUTION CONTROL LEGISLATION, JANUARY 4 THROUGH FEBRUARY 24, 1965

H.R. 3988: Blatnik bill.

Identical and similar bills:

| | |
|---------------------------------|-----------------------------|
| H.R. 4264, Mr. McCarthy | H.R. 4953, Mr. Howard |
| H.R. 4406, Mr. Patten | H.R. 5036, Mr. Giaimo |
| H.R. 4482, Mr. Dingell | H.R. 5071, Mr. Helstoski |
| H.R. 4506, Mr. Olsen of Montana | H.R. 5151, Mr. Reuss |
| H.R. 4627, Mr. Fallon | H.R. 5159, Mr. Schmidhauser |
| H.R. 4792, Mr. Ottinger | H.R. 5411, Mr. McGrath |

S. 4, Senate companion to H.R. 3988 and S. 1092.

Identical and similar bills:

| | |
|--------------------------------------|-----------------------------------|
| H.R. 983, Mr. Dingell | H.R. 3605, Mr. Murphy of New York |
| H.R. 2064, Mr. Madden | |
| H.R. 3589, Mr. Edwards of California | H.R. 3796, Mr. Flood |

Other bills similar to S. 649, 88th Congress:

| | |
|------------------------|------------------------|
| H.R. 151, Mr. Rodino | H.R. 5158, Mr. Scheuer |
| H.R. 3716, Mr. Monagan | H.R. 5378, Mr. Duncan |

Federal installations, Air and Water Pollution Control:

H.R. 982, Mr. Dingell.

Federal installations—San Luis Valley, Calif., interceptor (identical to S. 649 committee amendment):

H.R. 31, Mr. Baldwin
H.R. 32, Mr. Edwards of

California

H.R. 33, Mr. Leggett

H.R. 34, Mr. Mailliard

H.R. 35, Mr. Younger

H.R. 36, Mr. Don H. Clausen

H.R. 5144, Mr. Miller

H.R. 5300, Mr. Johnson of
California

H.R. 5301, Mr. McFall

H.R. 5316, Mr. Sisk

H.R. 5371, Mr. Cohelan

H.R. 5384, Mr. Edwards of
California

H.R. 5417, Mr. Moss

Mine sealing—Acid Mine Drainage:

H.R. 896, Mr. Saylor.

Mr. BLATNIK. It was just a year ago today, February 18, that this committee, the full committee, was in its 11th day of a series of 12 days of hearings on similar water pollution control legislation. The bill had been passed at that time in the Senate by an overwhelming vote; it received the approval of the full committee, and then got bogged down in the hectic closing days of the long session last year.

The hearings, which are available, amount to over 900 pages. The Chair hopes that with the many, many requests of witnesses to be heard, bona fide requests, that we boil down the testimony as much as possible to those aspects or features that are of particular concern, either in favor or opposed or which you feel ought to be modified some way or another. The whole general story of the need for water pollution control, the degree and the character and the nature of the problem, the accomplishment or the status of programs to date, are asked to be submitted in writing, and included of course in the report, so that we do not re-cover testimony now already well known to the committee and presently available in a formal document of this committee.

Mr. BLATNIK. I have a brief statement I will ask to be inserted at this point.

(The statement follows:)

OPENING STATEMENT OF HON. JOHN A. BLATNIK

The Committee on Public Works will come to order.

We meet this morning to open hearings on H.R. 3988, S. 4, and related bills to amend the Federal Water Pollution Control Act.

We take up our consideration of these bills at a time of widening interest in the need to stop the outpouring of pollution into our streams and lakes, to save clean waters from destruction, and to raise the quality of waters already profaned.

President Johnson, in his state of the Union message, described the threefold task before the Nation: A growing economy, opportunity for all, and the enrichment of the life of all Americans. It was in discussing the third goal that he spoke of the beauty of America that "has sustained our spirit and enlarged our vision." To protect this heritage he proposed, among other actions, that legal power be granted to prevent pollution before it happens, that we step up our effort to control harmful wastes, giving first priority to the cleanup of our most contaminated rivers, that we increase research to learn more about control of pollution.

The President enlarged on that theme in his message on natural beauty, which proclaimed the right of our people to live in decent surroundings.

He spoke of the manifestations of pollution, the price we pay for it. He stated the stark fact that every major river system in the country is now pol-

luted. He announced that the Secretary of Health, Education, and Welfare would undertake an intensive program to clean up the Nation's most polluted rivers. He expressed confidence that with the cooperation of States and cities, using the tools of regulation, grant, and incentives, we can bring the most serious river pollution under control. He recommended that new legislation be enacted to curb pollution.

It has been nearly 9 years since the Congress, with the enactment of Public Law 660, 84th Congress, established the first permanent national program for a comprehensive attack on water pollution. The Federal role was fixed as one of support for the activities of the States, interstate agencies, and localities. The Federal Water Pollution Control Act authorized financial assistance for construction of municipal waste-treatment works, comprehensive river basin programs for water pollution control, research, and enforcement. It provided, too, for technical assistance, the encouragement of interstate compacts and uniform State laws, grants for State programs, the appointment of a Federal Water Pollution Control Advisory Board, and a cooperative program for the control of pollution from Federal installations.

With the enactment of the Federal Water Pollution Control Act Amendments of 1961, Public Law 87-88, the program was strengthened in several important respects. The appropriations authorization for waste-treatment works construction grants was increased, joint projects to serve two or more communities were encouraged, the dollar ceiling for a single project was raised from \$250,000 to \$600,000, and was set for a joint project at \$2.4 million. The research function was strengthened, the appropriations authorization for State program grants increased, the principle of low-flow augmentation for water quality control was established in law, the administration of the program was vested in the Secretary of Health, Education, and Welfare (rather than the Surgeon General of the Public Health Service), and the enforcement authority was extended to navigable as well as interstate waters.

The impact of the Federal Water Pollution Control Act has been impressive. It has taken us in less than 9 years from a situation in which untrammelled pollution threatened to foul the Nation's waterways beyond hope of restoration, to a point where we are holding our own. But that is not enough. The familiar factors of population growth, urbanization, technological development, a higher standard of living are producing pollution at a fantastic rate. It will take a much greater effort at all levels of government, and on the part of industry, agriculture, conservationists, civic groups and other voluntary organizations, and individual citizens to come to grips with the monumental problem of water pollution.

It was my privilege to introduce and to manage in the House of Representatives both the 1956 and the 1961 water pollution control legislation. The bill which I have introduced in this session, H.R. 3988, would implement recommendations of President Johnson for a stepped-up attack on pollution. It is similar to S. 4, introduced in the other body by Senator Muskie for himself and 31 other Senators, and capably managed by the Senator from Maine to passage in the other House on January 28 by a vote of 68 to 8. The distinguished chairman of this committee, the gentleman from Maryland, Mr. Fallon, has introduced a bill identical to mine, H.R. 4627, and other Members are sponsoring identical or similar bills. There have also been introduced and referred to the Committee on Public Works bills dealing with particular aspects of the total pollution problem. I am certain that the testimony given in these hearings and the forthcoming committee deliberations in executive session will result in our report to the House of Representatives of a strong bill to press the fight for clean water.

H.R. 3988, the Water Quality Act of 1965, does not hold the key to the total problem of water pollution. It does hold the means for a more effective national program for the prevention, control, and abatement of pollution. I will make brief mention of some of its provisions.

First, the bill would add to the Federal Water Pollution Control Act a positive statement of the act's purpose to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution.

Second, it would give the national water pollution control program an organizational placement commensurate with its importance through the creation within the Department of Health, Education, and Welfare of the Federal Water Pollution Control Administration, elevating the program from its present status as a division within a bureau within the Public Health Service.

Third, the bill would authorize a 4-year program of research and development on new and improved methods to cope with the overflow from combined storm and sanitary sewers, a complex pollution problem which has plagued particularly the older cities of the United States.

Fourth, H.R. 3988 would give more meaningful financial assistance to populous areas with critical unmet pollution problems by increasing the dollar ceilings for waste treatment works construction from \$600,000 to \$2 million for a single project, and from \$2.4 to \$6 million for a joint project, serving two or more communities, with the 30 percent of project cost limitation in the present law not affected.

Fifth, the bill would authorize the Secretary, calling on the judgments of the appropriate Federal, State, interstate, and local officials, of industry, and other affected interests, to fix water quality standards for interstate waters, to protect the public health and welfare and to raise the quality of these waters for public water supplies, fish and wildlife propagation, recreation, agriculture, industry, and other legitimate uses. He would promulgate standards only in the absence of satisfactory State or interstate standards for the waters involved.

Sixth, H.R. 3988 would undergird the enforcement authority with subpoena power by authorizing the Secretary to administer oaths and to compel the presence and testimony of witnesses and the production of any evidence that relates to any matter under investigation pursuant to the abatement section of the act. It is not expected that the power would be used except in rare instances. Indeed it may never be needed. But it would assure that investigations would not be hampered by a failure of cooperation on the part of any persons concerned.

Clean water is a resource beyond price. The usual list of "legitimate uses" of water includes public water supplies, fish and wildlife propagation, recreation, agriculture, and industry, with navigation and power often given separate mention. We could lengthen the list with specific reference to drinking water and other domestic purposes, to the various delightful water-oriented sports, and to the intangible worth to a community—yes, to the needs of the individual spirit—of the sight of a shimmering lake or stream. Pollution has not spared the Great Lakes, the largest fresh water source on earth. The threat of pollution hangs over the cool, clean waters of the last large unspoiled river near a major population center in the Middle West.

Now is the time to take another stride forward in water pollution control legislation. The needs of 1965 are heavy. The far greater needs of the year 2000 demand that we act today to save the waters of America.

The CHAIRMAN. I would like to ask unanimous consent that the bill, H.R. 3988, just be referred to in the report as identical to the one that is being considered, to save the cost of the printing.

Mr. BLATNIK. Without objection, it is so ordered.

We are very pleased and honored to have with us a gentleman who was a former member of this body, an able member, who is distinguishing himself in the field of conservation and resource use, and is eminently qualified in the field of water resources, the Honorable Stewart L. Udall, Secretary of the Interior.

Mr. Secretary, welcome this morning. We look forward with great interest to your presentation in these very important hearings.

STATEMENT OF HON. STEWART L. UDALL, SECRETARY OF THE INTERIOR

Secretary UDALL. Thank you very much, Mr. Chairman.

If I may, I have a prepared statement that is available and if this could appear in the record, then I could summarize the highlights. I would like to set an example of brevity for the committee, if I could, this morning.

Mr. BLATNIK. Thank you, Mr. Secretary. Your prepared statement will be placed in the record at this point.

(The statement follows:)

STATEMENT OF SECRETARY OF THE INTERIOR

Mr. Chairman, H.R. 3988 and S. 4 which are pending before this committee deal with matters basic to the conservation and utilization of water and our other natural resources and are of major concern to my Department. Protection of water quality from degradation is important alike for outdoor recreation and for mineral development, for communities, for industry, and for agriculture. Clean water is vitally important for the propagation of our Nation's fish and wildlife resource.

For too long, waterways have been used as sewers and dumps for wastes and refuse. For too long even so-called good waste disposal practice has been geared merely to the concept of limiting pollution loads to the assimilation capacity of streams. This is a negative approach. We must begin now to adopt a positive approach to insure clean water for these resources.

President Johnson, in his natural beauty message of last week, forcefully pointed out that pollution destroys the natural beauty, menaces the public health, reduces our efficiency and property values, and raises taxes. The President emphasized the need to act now to combat pollution in our waterways when he recommended that—

“Enforcement authority must be strengthened to provide positive controls over the discharge of pollutants into our interstate or navigable waters. I recommended enactment of legislation to—

“Provide, through the setting of effective water quality standards, combined with a swift and effective enforcement procedure, a national program to prevent water pollution at its source rather than attempting to cure pollution after it occurs.”

The bills before your committee will provide legislative authority for preventing the discharge of waste materials before they destroy or irreparably damage our natural resources, and menace our health and welfare. They provide for the preparation and promulgation of water quality standards by the Secretary of Health, Education, and Welfare applicable to interstate waters, after consulting with this Department and other interested public and private agencies. These standards will be designed to protect the public health and welfare and enhance the quality and value of water resources. They will consider the use and value of these waters for public water supplies, propagation of fish and wildlife, outdoor recreation, and agricultural, industrial, and other legitimate uses. The objective is to keep the Nation's interstate waters as clean as practicable. We heartily endorse this objective.

Water, the indispensable requirement of all uses of natural resources, is becoming an increasing concern throughout much of the United States—not only in the Western States but even in many of the humid Eastern and North-Central States. There are present and prospective water shortages in the humid portions of the country, as well as in the dry portions, because water quality, as well as water quantity, is an important factor in meeting water use requirements.

Water shortages are in prospect for us not because our basic national supply is scant in relation to present and prospective population. On the contrary, the water of our lakes, rivers, and underground reservoirs, is abundant in relation to foreseeable requirements for many decades ahead—that is, it is abundant if we develop and use it wisely.

One of the greatest wastes of water resources is pollution. Substantial advances in water resource conservation can be made by eliminating or, at least, substantially reducing the amount and concentration of waste materials discharged into our waterways, and also by reprocessing degraded waters to higher quality levels.

Protection of water quality requires careful and continuing attention to polluting substances that may be discharged into lakes and rivers. Implementing that requirement necessarily rests on the regulation of polluting discharges. It is the responsibility of the State and Federal Governments to establish reasonable and practicable standards of water quality which will insure clean water for future generations. These bills recognize this.

The task of setting water quality standards will not be easy. The formulation and application of water quality standards are complicated by important inter-related factors, both technical and economic.

Technically, pollution of a body of water generally is a complex of many variables including the volume and rate and turbulence of flow, the character of the body of water (that is, whether a reservoir, estuary, or surface stream) and the chemical and physical properties of the receiving waters, as well as like

variables in the waste materials discharged into it. The discharge of a given quantity of certain materials at one point along the river system may be seriously injurious to aquatic life and damaging to other users while the same quantity of the same material discharged at a different location or at a different time may have little, if any, injurious effects. The different results in such cases could be due to either the volume of flow of the receiving waters which dilute the waste material, or it could be the presence or absence of other materials dissolved or suspended in the receiving waters, or their temperature. These factors may intensify or ameliorate the injurious properties of individual contributions of wastes. Further, the quantities of certain materials that may be discharged into a water system may differ between surface or subsurface locations, or they may vary according to types of soil, or they may depend upon interactions between pollutants, or they may involve other complex factors.

To be practical, in many cases it may be necessary to formulate the standards in relation to the factors just mentioned; that is, such things as the rate and volume of flow and the chemical and physical characteristics of the receiving waters. In practice this could mean that often offending materials might have to be rigorously withheld during periods of low river flow, and perhaps they would be impounded or otherwise handled until river stages are high enough to provide safe dilution, or this could mean the allocation of discharge of offending materials between subsurface and surface streams.

The economic effects of pollution abatement requirements is another factor. For example, streamflow conditions in one mineral-producing area may necessitate more costly pollution abatement measures than might be required in another area producing the same minerals but with streamflow conditions that tolerate less rigorous and less costly measures. You can well realize that the consequent production cost differentials thus introduced into a competitive market might seriously disrupt an industry.

There is also a need to recognize that the application of water quality standards can be no better than water quality measurements. The measurements of water quality is not a simple task of taking samples. The entire program of sampling for water quality must be approached on a scientific network basis with full cognizance of the behavioral characteristics of the water systems that form the basis for sample locations, sample frequency, nature of instrumentation, sample interpretation, and similar questions.

Needless to say, this type of water quality surveillance generally requires an elaborate system of monitoring streamflow and subsurface flow. The Department of the Interior, through the Geological Survey, is responsible for the design and operation of the national network for acquiring data on the quantity and quality of surface and ground waters, including sediment load of streams. The network will meet the water quantity measurement requirements of all Federal agencies and will provide water quality measurements common to the needs of two or more agencies.

It is important to emphasize, however, that the promulgation of water quality standards is not enough. The standards themselves will not enhance the quality of waterways. They must be combined, as the President stated, with swift and effective enforcement procedures.

The present procedures in the Federal Water Pollution Control Act have proved to be inadequate. They are too cumbersome and time consuming. While these procedures are slowly being followed, the damaging pollution continues. Our natural resources and, in some cases, the public health and welfare are being menaced by this continuing pollution.

Legislation should be enacted and will be submitted by the administration to insure adequate and swift enforcement measures. An acceleration of the present enforcement proceedings is not only highly desirable, but is necessary to prevent serious and continuing damage to the health and welfare and to our natural resources from the discharge of excessive amounts of pollutants in our waterways.

The President has also recommended that the water quality standards should be applicable to navigable, as well as interstate water. The present abatement provisions of the Federal Water Pollution Control Act of both kinds of waters. These bills amend this act and to be adequate should provide that water quality standards apply to both navigable and interstate waters. They should not leave uncontrolled waterways that have been traditionally recognized by the act as being subject to control.

Subject to the consideration of these comments, we recommend the enactment of the Senate-passed bill, S. 4.

Secretary UDALL. This is retread legislation. I testified on it last year. I know how busy the committee is and I know how busy I am, and I would just like to hit the highlights here for a moment in the hope that I can help the committee move forward rapidly.

Mr. Chairman, I think that within recent weeks there has been an important new initiative, both with regard to conservation out of doors and with the regard to the resources of our country. The President 10 days ago sent up to the Congress a very wide-ranging message on natural beauty, which is an important first in the history of our country. He mentioned rivers in the state of the Union message and in his special message at great length. I think the American people are in the process really of rediscovering their rivers and their importance to all of us.

I am here this morning not because my Department has primary responsibility in pollution abatement—this is the responsibility of the Department of Health, Education, and Welfare under this legislation—but because water is a very complex subject which affects our natural resources. I think we are just now perceiving its potential value for outdoor recreation; for example, if we cleaned up our rivers.

The President's instruction to me is to head up a team. Secretary Quigley and I were talking this morning about our teamwork on it, his instructions to clean the Potomac River as an example to the country and keep it clean. I think we are going to be amazed at what happens, what tremendous benefits will flow from this if we can accomplish it. This is a special challenge that we are working on.

But whether one talks about our fish and wildlife resources, about outdoor recreation, about irrigation in the western part of the country, or about the scenic aspects of rivers, I think the time is long overdue when the American people should take a deep interest with a follow-through stroke and do something about cleaning up and conserving our rivers as a resource.

I think in our own time, one might say the big conservation scandal that originally aroused this country and a great President, Teddy Roosevelt, at the turn of the century, was a waste of our forests. We later waste the soil of this country. We did something about it in the thirties. I think the No. 1 conservation scandal of our time is the pollution of our rivers, and I think that this legislation is directed very pointedly at this problem.

President Johnson, in his natural beauty message of last week, forcibly pointed out that pollution destroys the natural beauty, menaces the public health, reduces our efficiency and our property values, and raises taxes. The President emphasized the need to act now to combat pollution in our waterways.

I am quoting now from page 2 of my statement:

Enforcement authority must be strengthened to provide positive controls over the discharge of pollutants into our interstate or navigable waters. I recommend enactment of legislation to provide, through the setting of effective water quality standards, combined with a swift and effective enforcement procedure, a national program to prevent water pollution at its source rather than attempting to cure pollution after it occurs.

I think one other thing this committee will be interested in that was mentioned in the President's message—indeed, there is in the executive branch, a team that will shortly begin to study this—is what can be

done in terms of changing our tax policies so that our tax policies encourage the attainment of our objectives, provide incentives for pollution abatement, and so that our tax policies in general encourage conservation rather than discourage it.

I think that this whole field is very important, because I think that American industry will take up the challenge and will do the job if we will give them a little help. I think that we may be surprised at what we can turn up on that front.

But the provisions I think in this legislation are well conceived. Secretary Quigley is the one who must administer this problem and I would leave the details up to him. I just make the general appeal to this committee again this morning, that I think this is very vital legislation. I commend the committee for the work that it has done in the past on this problem and the pioneering that it did a few years ago in getting this program started. I am delighted to be here with the committee this morning.

Thank you, Mr. Chairman.

Mr. BLATNIK. Thank you, Mr. Secretary.

You referred to one area we have never considered and that is the matter of the tax laws.

Mr. Secretary, you are referring to some form of depreciation, or some form of tax writeoff for that part of the industrial installations that is constructed solely for the abatement of pollution caused by a particular plant; is that not correct?

Secretary UDALL. Well, Mr. Chairman, there are various proposals that have been mentioned. The one you mention, is a prominent one that might be used.

We, in many ways, use tax policy not only to produce revenue, but to serve other national purposes, and I think this is an area that is long overdue. It relates not only to water pollution, but to many other aspects of the beauty of the country, the conservation of our resources, and so on. I think you will find this is a primary discussion topic for the White House Conference that the President is calling for May, and we are already at work on it in the executive branch.

I am sure that you people are giving this some thought. But I think this is an area—we in the last 2 or 3 years have been doing a lot of revising of our tax laws, tax structures, to serve important new national purposes—that certainly deserves very close analysis.

Mr. BLATNIK. Any questions?

Mr. THOMPSON. Mr. Chairman?

Mr. BLATNIK. Mr. Thompson of Louisiana.

Mr. THOMPSON. Mr. Chairman, I would just like to compliment the Secretary on his ability to state his purposes in such a brief manner.

But I do want to say this, Mr. Secretary, your work involving this committee is complemented by the work you and your staff have done involving another committee on which I serve, the matter of migratory waterfowl. I do believe this to be most important. The two purposes can be served.

Secretary UDALL. I think it is very important that the Congressman is on this committee, because these two programs are interrelated, as he and I well know. The problems we deal with in conserving wildlife and waterfowl are similar. These wildlife and waterfowl resources depend upon water that is usable, just as human beings, and this is a very important part of our conservation responsibility.

Mr. THOMPSON. I do want to compliment your staff on the complete cooperation they have been giving to us in our efforts on this committee and the other one on which I serve.

Mr. BLATNIK. Any questions on my left?

Mr. CRAMER. Mr. Chairman, I have one or two.

I want to welcome the Secretary before the committee.

He touched on some of the aspects of the legislation. Of course he did not touch on other aspects of it, and I am sure the distinguished Secretary knows there have been differences of opinion with regard to what the effect of this legislation might be if we in fact take from the Department of Health, Education, and Welfare the administering functions and put them in the hands of the new Assistant Secretary.

Are you testifying for that proposal on behalf of the Administration in that I understand your administration, at least last year, was not strongly in support of changing that function? Or are you leaving that to some other Department?

Secretary UDALL. No, I will let Secretary Quigley testify primarily on that. However, it is my understanding the administration does favor this proposal and I would say, as an administrator that handles very similar problems, that I think this is a very important step forward to give it this focus.

I hope the Congress does enact this provision as part of this legislation.

Mr. CRAMER. Well, of course, I for one, for instance, introduced, with the distinguished gentleman from Minnesota, the initial Water Pollution Control Act a number of years ago. It has been my objective to try to assist in any way I could to make sure it is strengthened in the future, related to accomplishing the objective; but at the same time, encourage the States and not discourage them to participate in the program, because I think most of the evidence we have before us clearly indicates that if in fact the State do not carry their fair share of the burden, that this program will not succeed.

Do you generally agree with that?

Secretary UDALL. I think there is no question but that the States must play a major role.

If I may say so, I think one of the most exciting things, just to strike a bipartisan note, that I have seen in recent weeks, is the plan that Governor Rockefeller is presenting in the State of New York. This is something I think every member of this committee, if you have not read it, ought to get hold of and look at, because I think this is a very bold approach to the problem, talking about really cleaning the rivers up now and paying later. I like this as an idea. I think this is a good example of State action. The States must act, there is no question about it.

Mr. CRAMER. Of course, in 1961 we passed substantial amendments to the Water Pollution Control Act. The Federal enforcement measures against pollution were substantially broadened and strengthened at that time.

The question that occurs to me is now that strengthened authority of the Federal Government, in conjunction with the States, is just getting underway under the present administrative setup, what disturbs me and did last year in considering this matter, particularly in view of the lack of enthusiastic support by the administration for the

change, is whether we would be doing more damage than good in reshuffling—just reshuffling is one. Now are are talking about another administrative reshuffle.

Are we not doing more damage? We keep reshuffling administrative agencies. Once they get into a program, they get moving and begin to accomplish worthwhile activities, we take them off of it, give them a different function and shift the function to a new political appointee, as Assistant Secretary of HEW.

Do you not think serious consideration has to be given to this big reshuffle of administrative authority?

Secretary UDALL. Congressman, I think it would be better for me to let Secretary Quigley handle this question. I simply would like to say, however, that in my own Department, and I think this is the only way you can run a Department, that I have Assistant Secretaries who supervise all the main areas of action, and this is the only way that we can really make an input from the top and get the kind of action that the President wants.

Mr. CRAMER. That is all I have, Mr. Chairman.

Mr. BLATNIK. Question, Mr. Baldwin?

Mr. BALDWIN. Mr. Secretary, it is a pleasure to welcome you again before our committee.

I would like to ask you a specific question, if I may. We have had a very serious problem in the San Francisco Bay area. I am sure the Secretary is aware of it. Unfortunately, the problem has been aggravated by one of the Bureaus of the Department of the Interior, the Bureau of Reclamation. This involves the terminal point at the San Luis reclamation drain.

The Public Health Service in San Francisco made preliminary studies before actually making a comprehensive study in which they have said the proposed terminal point recommended by the Bureau at Antioch would be an extremely hazardous terminal point and did not feel in any case it should be there.

There is in this budget this year funds for \$300,000 for the Public Health Service to make this study of the delta in San Francisco Bay, which the Public Health Service estimates will take about 18 months to determine how we can prevent pollution of the delta in the bay.

All the agencies in the entire bay area, all the newspapers, all the public bodies in the bay area, feel that study should be completed before a decision is made as to the construction of the drain and where it should terminate.

As a matter of fact, in the 18-month interim, the amount of drainage would be small because they are just starting out. Some temporary solution could be taken.

It is my understanding the Bureau of Reclamation, despite this fact, requested funds in the budget this year, although those funds were stricken out somewhere as they went through the administrative process, whether at your level, at the Bureau of the Budget's level, or the President's level.

You have testified, and I fully agree with your testimony, you have stated here:

For too long waterways have been used as sewers and dumps for wastes and refuse. For too long even so-called good waste disposal practice has been geared merely to the concept of limiting pollution loads to the assimilation capacity of streams. This is a negative approach. We must begin how to adopt a positive approach to insure clean water for these resources.

I fully agree with that.

And over on page 2, where you quote the President's statement, the President states:

Though the setting of effective water quality standards, combined with a swift and effective enforcement procedure, a national program to prevent water pollution at its source rather than attempting to cure pollution after it occurs.

Now, the issue in this case is that this drain will not only include waste but will include pesticides, and also residues from chemical fertilizers.

The proposed terminal point is above two fresh water intake points for the people in the city of Antioch and almost 250,000 people in central Contra Costa County who draw fresh water most of the year below the proposed terminal point of this drain, as proposed by the Bureau of Reclamation.

Now, the project serves about 1,500 people and yet the Bureau would risk the fresh water, the domestic water, of 250,000 people to terminate it as it proposes at the Antioch bridge.

Now, all we are asking is that the Bureau just hold off and the Department of the Interior hold off for a period of 18 months and not endeavor to request any funds until the Public Health Service completes its study of how we can prevent pollution of the delta and the bay.

I think this is a reasonable request and certainly in accordance with the President's message. I am wondering if the Secretary might be able to give us some assurance that the Department would be willing to take this position?

Secretary UDALL. Congressman, let me be very explicit—and I am conversant with the problem, although I have not gone into it in depth, some of my people have—I think if the Federal Government is proposing to lead the Nation to new acts in this area, it ought to set the example. I do not think there is any question about it. And you are correct in this.

In other words, if the Federal Government is engaging in activities, it certainly ought to do a better job of pollution prevention and abatement, as far as its activities are concerned, than anyone else does. In other words, it should be an example and this is a problem where this arises.

It is my feeling, and I concur in your general statement, that we ought to come up with a solution to this problem. I think the State of California also must play a role in it and I think that we ought to get the answers before we go ahead.

It was my feeling, when the budget issue came to a head in the final stages, that we ought to wait. The San Francisco Bay area is one of the most beautiful areas of the country. It is in trouble. It is in trouble from pollution, from filling. It has all sorts of conservation problems. I think there is a very real big decision there, whether this is going to remain and be known as the most beautiful bay in the country probably.

I think the Federal Government, insofar as the things that it does, ought to set an example, and I think we ought to get the answers and we ought to hold off from action until we get an action program that is soundly conceived.

Mr. CLAUSEN. Will the gentleman yield?

Mr. BALDWIN. Yes, I will yield.

Mr. CLAUSEN. I want to add my beliefs to what Mr. Baldwin has said. I represent the counties of Napa and Marin on the North Bay, and I have had much in the way of correspondence from the people in that section.

So I take it from your response that we can expect you to hold off, as far as the Bureau of Reclamation is concerned, until such time as the study is completed?

Secretary UDALL. I think we ought to finish the study. I do not know whether the study should be telescoped. I do not know whether it should take the actual 18 months, but I think we should go full speed ahead and get the answers, get a plan; and whatever the cost of it is, put the plan together and carry it out.

Mr. CLAUSEN. But can I tell my people, for the record here, that you endorse the idea of holding off on any further project until the time the study is completed?

Secretary UDALL. Until we complete the studies and come up with a plan, yes.

Mr. BALDWIN. Mr. Secretary, I have discussed this with the Public Health Service and they said they can complete it in 18 months. The information they gave me was 18 months. Basically this is a reasonable period of time.

Mr. CRAMER. Will the gentleman yield?

Mr. BALDWIN. I will yield.

Mr. CRAMER. I have another question I would like to ask the Secretary.

Regarding the statement in the next to the last two pages, No. 1, you indicate legislation should be enacted and will be submitted by the administration to insure adequate and swift enforcement measures:

Any acceleration of the present enforcement proceedings is not only highly desirable, but is necessary to prevent serious and continuing damage.

and so forth.

Do I understand, then, that you expect to have submitted to the Congress in the near future in the request for additional legislation in this field procedures for enforcement on water pollution?

Secretary UDALL. This is my understanding, yes, Congressman.

Mr. CRAMER. Do you not think, then, we are a little premature in considering this question, water pollution legislation, until that message comes up? Then we can consider the whole package at the same time, particularly when we are dealing with the subject of setting standards and enforcing them.

Do you not think we ought to have the full picture of what the enforcement procedures are going to be before we can make an intelligent decision really on what type of a standards section we want to write?

I am sure the Secretary is familiar with what was done last year. The other body enacted a different standards provision than the House voted out of this committee in that we required State approval; these standards were recommendations.

Of course, the wording of the bill before us makes those standards mandatory and requires State approval. That being the case, do you not think that we should get the full picture of what the enforcement

provisions of these standards are going to be before we take action on this legislation?

Secretary UDALL. Well, Congressman, I never attempt to tell committees how to handle their business. It seems to me, particularly since this legislation has been around for well over a year and has already passed both committees, that the committees could do it either way, really. I see no reason why the committees need to await the recommendations on the other facet of this problem. It seems to me that it could be done with two bills just as readily as putting it all together in one. But that is a matter for the committee to decide, not for me.

Mr. CRAMER. I notice also on page 8, next to the last paragraph, that you indicate:

The President has also recommended that the water quality standards should be applicable to navigable as well as interstate waters.

Now, do I understand that if we take action on this legislation limiting it to interstate waters, then the President is going to come up and ask that it be made applicable to all navigable waters, be they interstate or otherwise?

Secretary UDALL. I am not at liberty, because I do not think final decision has been made, to tell you what the scope of it will be; but this obviously is a separate subject and can be considered separately by the committee, because you have your existing framework, and I think this legislation is addressed to strengthening the existing framework. So that the committee can certainly, in my judgment, handle it either way very readily.

Mr. CRAMER. Let me just make this comment, then I will conclude. It appears to me that if we have knowledge of the fact the President is going to make recommendations, as you indicate in your statement, as to what the effects of these standards shall be in relation to, No. 1, all waters, the present proposal as it came over from the other body limits it to interstate.

Secondly, if we are going to speed up the enforcement provisions, again relating to standards, it just seems to me that the logical approach would be, in order to make sure we know what we are doing in relation to what we are doing now, we would have to go to those questions in the future. They are obviously interrelated.

What we should do is find out what the administration's recommendations are going to be and consider them at the same time. Otherwise, we are likely to get very broad, mandatory standards and then find out that, having set those standards, we perhaps do not want to have such fast enforcement, because it might deprive States of their responsibilities.

It just seems to me that we should be considering all these questions relating to water pollution at the same time and not piecemeal.

Mr. BLATNIK. Will the gentleman yield?

Mr. CRAMER. Yes.

Mr. BLATNIK. The points the gentleman raises are very pertinent.

Will the gentleman consider delaying them until the next witness? Enforcement is administered in the Public Health Service, as you know.

Mr. CRAMER. The only reason I mentioned it is because he mentioned it in his statement.

Mr. BLATNIK. Mr. Sweeney.

Mr. SWEENEY. My question, Mr. Secretary, does relate in part to enforcement, and we will defer part of it for now.

I wish to congratulate you on the conciseness and clarity with which you have presented your case here today. I am interested, however, to find out whether or not the Interior Department has conducted any recent surveys insofar as this provision dealing with effective water standards is concerned.

I come from the State of Ohio. We adjoin Lake Erie, as you know, and we regard water pollution as the primary and critical problem of our area. We watch industry and the community grow side by side destroying the recreation potential of one of the greatest natural resources the country has.

It seems to me, Mr. Secretary, there should be somewhere in the Federal Government some report as the acceleration of the water quality. Are you aware of any such studies or surveys in the last 4 years or so?

Secretary UDALL. My people, because of our interest in both commercial and sports fishing, primarily have been involved in several studies involving Lake Erie which, in my judgment, from all I have seen, is in very serious trouble, as you point out. I think that this is the very type of problem that cries out for action. If we do not get it, some fear that you are going to end up with a lake, a Great Lake, which could be like some of the rivers in some parts of our country where all life has been killed as a result of, in this instance, acid mine drainage in the Appalachian region.

So I think the quicker we get at it, the better; the more studies that are made, the better.

Mr. SWEENEY. Mr. Secretary, are you familiar with any studies that do indicate there is support for the medical contention there is a health hazard present today insofar as water purification is concerned?

Secretary UDALL. I would like to provide you with something on that. I think both the Public Health people and my own people have been involved in various studies. I think we could bring you right up to date on what is going on in regard to your region.

Mr. SWEENEY. Under the Water Pollution Control Act at present, the Secretary of Health, Education, and Welfare, under the enforcement provisions, seems to have authority to institute injunctive actions in the Federal district courts to abate water pollution. Is that correct?

Secretary UDALL. I would rather, really, you ask Secretary Quigley about this, because it is his program he administers rather than I.

Mr. SWEENEY. Could you tell me whether or not you are aware of any instance in recent years where the Federal Government has commenced an action by way of injunctive relief, asking for injunctive relief in a Federal district court against any community or industry to desist from the practice of polluting streams? Are you aware of any such actions?

Secretary UDALL. I have not noticed, I have not observed any. There may be there have been some instances of this.

Mr. SWEENEY. Is there a great community of contact between the Department of Interior Water Resources Division and Mr. Quigley's division over in HEW on this problem?

Secretary UDALL. Considerable. In fact, there is constant communication. This was the subject of a hearing by this committee last year as to how well we were getting along because our responsibilities do overlap and need to be meshed together.

I think we are working together better than we have. I think there is probably still room for improvement.

Mr. SWEENEY. Mr. Secretary, you mentioned Governor Rockefeller's proposal. I quite agree with you, from a bipartisan point of view, it is a dramatic and fresh new proposal. I have had the pleasure of reading it.

Has your Department ever had, or has the administration, the opportunity of estimating the cost to gear the Rockefeller proposal and have a national attack upon water pollution?

Secretary UDALL. Well, this is the thing that to me would be rather exciting. Of course, what the Governor proposes to do, as I recall his proposal, it has a big \$1.7 billion price tag—he was not afraid of the cost of it—is in effect to implement a program immediately and under a bond financing, and to pay it off over a period of years. I think this is a sound way to do it.

But certainly if it is going to cost New York \$1.7 billion, it is obvious the national task is a pretty big figure. But we might as well, in my judgment, begin thinking in big terms if we really want to lick this problem. Otherwise, we would be just pecking away at the fringes and continue to have the losses to our country that are occasioned by damage from this source.

Mr. SWEENEY. Thank you.

Mr. BLATNIK. Thank you, Mr. Secretary.

Mr. HARSHA. Mr. Chairman?

Mr. BLATNIK. We are running rather late. Is it something pertinent to the Department of the Interior?

Mr. HARSHA. I think it is.

Mr. BLATNIK. We are running behind right now. Unless it is a direct question—

Mr. HARSHA. I am sorry, Mr. Chairman. I have not contributed to this fact, although I was here at 10 o'clock and waited—

Mr. BLATNIK. The gentleman from Ohio is recognized.

Mr. HARSHA. Mr. Secretary, I want to commend you for what I know is your active interest in the elimination of pollution of navigable waters and also your expert control of pollution.

In view of your particular interest in the propagation of our fish and wildlife, I would like to ask you this question: On page 7 of the bill, section 5, on line 24, it states:

(3) Such standards of quality shall be such as to protect the public health and welfare and serve the purposes of this Act. In establishing standards designed to enhance the quality of such waters, the Secretary shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.

I believe that comes within your jurisdiction?

Secretary UDALL. Yes.

Mr. HARSHA. Now I wanted to ask you if you would agree that the release of water during low flow periods in dry weather is a legitimate use of water stored by our Government dams?

Secretary UDALL. Yes, I think this is, and naturally the problem we have in managing rivers is to manage them if we can in such a way that we protect and enhance all of our resources, providing water supply, protecting fish, wildlife, and so on.

Mr. HARSHA. I have one other question, Mr. Secretary; that is this: Water released from our Government hydroelectric dams is at times without dissolved oxygen.

Now, this water, coming from our Government storage dams, could in itself be a source of pollution of our streams, could it not?

Secretary UDALL. Well, it can, if the water itself is not of proper quality, yes.

Mr. HARSHA. Do you know of any movement on the part of any of the Government agencies to correct this sort of situation or offer some suggestions as to how it might be met?

Secretary UDALL. Well, I know it is a matter of very deep concern to us in any places where such a situation exists, and I think that we ought to take, and are taking, whatever steps are possible to cure this situation.

Mr. HARSHA. I believe it was your position that the Federal Government should be the leader in this field and eliminate itself pollution of our streams as well as require others to eliminate their activities.

Secretary UDALL. Yes, sir. I think this is the only position we can take.

Mr. HARSHA. Thank you. That is all.

Mr. BLATNIK. Thank you, Mr. Secretary.

The next witness, Mr. James M. Quigley, Assistant Secretary of HEW.

Mr. Quigley, a former colleague and friend of ours appeared at the previous hearings on the same subject matter. We welcome you to this hearing. I believe you are accompanied by Dean Coston, Deputy Assistant Secretary.

STATEMENT OF JAMES M. QUIGLEY, ASSISTANT SECRETARY; ACCOMPANIED BY DEAN COSTON, DEPUTY ASSISTANT SECRETARY, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. QUIGLEY. Mr. Chairman, I have a prepared statement. It is relatively short and I would prefer to read it, and then attempt to answer, as best I can, any questions that the members of the committee might have.

Mr. CRAMER. Mr. Chairman?

Mr. BLATNIK. Mr. Cramer.

Mr. CRAMER. Mr. Chairman, before the Secretary commences, may I say probably he is the most important witness we will have; before he starts his testimony, giving the position of the administration on the legislation, may I say now we have the budget of the committee up before the whole House Administration and, of course, someone on our side should be there. Of course the distinguished gentleman from Minnesota is going to be there.

Mr. BLATNIK. I have to be there.

Mr. CRAMER. I feel I do, too.

I would strongly recommend—I have no desire to delay anything, but I would strongly recommend that Mr. Quigley be asked to testify when we return and that the Governor, whoever is the next witness,

be called at this time; because I have some questions I would like to ask Mr. Quigley. I want to get an understanding as to what the administration's position on this legislation is.

I would strongly recommend that.

Mr. BLATNIK. The Chair would concur.

But may I just check Mr. Secretary, do you have any scheduled appointments for other appearances?

Mr. QUIGLEY. I have two commitments in the other body, but I think they are flexible. The general understanding was when I was through testifying, I would meet with several Senators on another matter. But I think this is kind of flexible, because I did not know how long I was going to be testifying.

Mr. BLATNIK. Would you be able then to wait for the short time it will take us to go to the House Administration and allow the other witnesses to precede you?

Mr. QUIGLEY. Yes, indeed.

Mr. BLATNIK. We apologize for changing the order of witnesses.

Mr. QUIGLEY. As a former member, I am familiar with the routine and the difficult part is to stay on time.

Mr. BLATNIK. Governor Sanders had hoped to be here. He is tied up, however, and hopes to be able to be with us tomorrow morning.

We will next proceed with the Members of the House who have sponsored legislation or are interested in this program.

Mr. John Dingell, our colleague from Michigan.

(At this point, Mr. Jones assumed the chair.)

Mr. JONES. Are you ready to proceed, Mr. Dingell?

STATEMENT OF HON. JOHN D. DINGELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. DINGELL. Thank you, Mr. Chairman.

Mr. Chairman, for the record, my name is John D. Dingell. I am a Member of Congress from the 16th District of Michigan. I come before you today to strongly endorse S. 4 and to urge certain amendments to that act based on provisions contained in H.R. 3988 and H.R. 4482, measures sponsored by the Honorable John Blatnik and myself, respectively.

Without recounting all of the features of the Senate act, I would like to touch briefly upon two which I regard of special significance.

I refer to the provisions dealing with the creation of a Water Pollution Control Administration, and the establishment by the Secretary of Health, Education, and Welfare of standards governing the pollution and contamination of interstate waters. Based on evidence offered and documented before this committee at previous hearings, and which I hereby resubmit for the record—and I do have the previous statement which I submitted to this committee, Mr. Chairman, which I would like to have made a part of the record.

Mr. JONES. The papers you prepared and submitted to the committee last year?

Mr. DINGELL. Yes.

Mr. JONES. Without objection, the statements will be received by reference.

Mr. DINGELL. Thank you, Mr. Chairman.

It is my considered conviction that the enactment of these two provisions is mandatory if we are to prevent the permanent defilement of our country's water supply, and the unforgivable tragedy of a nation undermined through its own thoughtlessness.

Later in this statement I shall submit additional information in support of my contention that we cannot afford to permit water pollution abatement activities to continue in the current manner and at the present rate.

Before taking up several suggested amendments to this essentially sound Senate act, I wish to make two further points relating to the above-mentioned provisions. First, the establishment of a new Water Pollution Control Administration, to replace the present Public Health Service Division, does not imply a perfunctory mass transfer of present Public Health Service personnel to the new Administration.

To insure the effectiveness of that new body, only those who have shown themselves to be not only capable and efficient, but qualified by experience and training, ought to be transferred. It would be wrong to strip the Public Health Service of its informed personnel. They have other important responsibilities.

Secondly, the section of the act granting the Secretary of Health, Education, and Welfare authority to "prepare regulations setting forth standards of water quality to be applicable to interstate waters" is not to be interpreted as a license to pollute presently pure water to a given level of contamination. The exclusive purpose of the standards authority is to upgrade the quality of currently polluted lakes, rivers, and streams, and to prevent pollution in relatively clean waters from becoming serious and expensive to abate.

I would now like to urge upon the committee the following amendments to S. 4, or, Mr. Chairman, in the alternative, to urge the committee consider H.R. 3988 or H.R. 4482, which are later drafts, and which I believe more fully would carry out the purposes that all of us want in securing clean water for ourselves and for coming generations.

1. As contained in both the Honorable John Blatnik's bill and my own bill, a grant of authority to the Secretary, permitting him to issue subpoenas to compel the presence of witnesses and the production of pertinent evidence, in the furtherance of his duty, as outlined in S. 4, to determine whether interstate waters are substandard with regard to pollution. This would enable the Secretary to complete an accurate assessment of given interstate waters within a reasonable amount of time.

I want to point out this is particularly important because of the fact, first of all, tracing pollution is extremely difficult. Pollution originating as far north as the headwaters of the Mississippi can be found at the mouth of the Mississippi better than 800 miles to the south.

In addition to this, the cost of making the kind of investigations that the Secretary has to make to determine whether or not pollution is interstate in nature is staggering. A recent proceeding of the Detroit River, or rather now pending on the Detroit River, has probably cost the taxpayers in excess of \$1 million, and will probably cost more before it is completed.

If we are going to do the Nation's business with regard to the clean-up of waters as efficiently as possible, it is my honest belief there is no way we can expedite this better than by affording the Secretary subpoena power. This will expedite the conduct of this kind of contract and reduce the cost.

2. As contained in both the Honorable John Blatnik's bill and my own, an increase in the maximum amount of any single grant for an individual project from \$600,000 to \$2 million; and also, an increase in the maximum amount of any single grant for a multimunicipal project from \$2,400,000 to \$6 million. This is required because under the present grant ceiling level, many abatement projects are forced to operate below their full capabilities. This results in inefficiency, wasted money, and a lengthening of the abatement period.

Frankly, we are finding the cost of construction this kind of project now is becoming so large that the original ceilings actually preclude construction of efficient facilities, and also have the effect, the practical effect, of not affording the kind of stimulus that we want for construction and the kind of Federal participation that, frankly, I think is needed in projects of this kind.

3. And finally, as contained in my own bill, H.R. 4482, an increase in the total annual pollution appropriation from \$100 to \$200 million, beginning with the fiscal year ending June 30, 1966, and continuing for each fiscal year thereafter.

The reasons for this recommendation are twofold. First, raising the ceiling on the size of individual abatement grants will reduce by about \$10 million the amount available for initiating new abatement programs. Thus, unless more money is appropriated, we will end up with less project starts than before. Although they will be larger project starts, this will have the practical effect, Mr. Chairman, if we do not increase the amount of money, of shifting the project construction stimulus from the smaller communities to the larger communities, and this is something I do not think that the committee really wants to do, although I think that the change is desirable if we put the additional money in. Because this will mean again an expanding supply of money for the smaller communities and also for the larger communities.

Secondly, the pollution program requires considerable acceleration if we are to make meaningful advances. It has been estimated by the 1964 Conference of State Sanitary Engineers that construction to eliminate the backlog of communities lacking adequate treatment facilities would cost \$267 million a year; that replacement of obsolescent facilities would require another \$232 million a year; and engineering and related costs, \$86 million a year—a total expenditure of \$800 million a year to check pollution.

I would point out present construction, under Public Law 660, as amended, is running at the rate of about \$400 to \$500 million a year. Because of the presence of accelerated public works grants during the past year, that has been increased by something on the order of \$80 to \$100 million a year. But we are going to find that with the vanishing of the accelerated public works program and the funds that used to be provided by that program, that it is going to be much more difficult to maintain the rate of construction which we have been maintaining for the past few years.

And I would point out that that rate of construction is far below that which is needed actually to begin not just catching up on back pollution, but providing for the needs of what we must face in the future.

Seen in this light, an increased appropriation of \$100 million a year is clearly a moderate request. Present expenditure for construction is at the rate of \$600 million a year.

In summary, the reason for inserting more teeth in the Senate act can be illustrated best by the following progress report on the water pollution abatement program over the last year.

When I testified before this committee more than 14 months ago, I had in my possession a list of 90 serious cases of interstate pollution on which no Federal enforcement action had been initiated. This list was made available to me by the Secretary himself. Several days ago, in preparation for these hearings, I again requested a list of polluted rivers on which no Federal action had been taken, and this time I again was proffered a list of 89 rivers. While less than overjoyed at the prospects of saving the Nation's waters at the aggregate advance rate of one river per annum, further investigation revealed that even this pathetic measure of progress was delusory. In fact, the list of 89 rivers actually included some 102 waterways. Rivers that had been recorded separately on the first list were, for some reason, combined under one heading on the second list.

Of the 90 rivers that had appeared on the list of more than a year ago, 33 had received Federal attention during 1964, while 57 had received none. In addition, 45 rivers on which no Federal action had been taken became seriously enough polluted to demand inclusion on the current list.

Thus, after yet another year with the pollution program under the dead hand of the Public Health Service, and \$100 million in Federal expenditure later, we have fallen 12 rivers deeper on the debit side. Let no one accuse our pollution program of staggering; it is moving quite determinedly in the wrong direction.

Further support for this conclusion is to be found in the President's recent message on natural beauty, where it was conceded that "water pollution is spreading." Based on his own studies, President Johnson recommended legislation similar to that being urged before this committee today. Among other things, the President proposed "the setting of effective water quality standards, combined with a swift and effective enforcement procedure to prevent water pollution at its source rather than attempting to cure pollution after it occurs" and for an increase in project grant ceilings and "additional incentives for multimunicipal projects."

There is no longer any need, as in the past, to marshal all of the detailed facts and population projections before this committee. Its learned members are quite familiar with the pressing need to preserve and cleanse our precious water resources. What remains to be done is act, lest we be a desert tomorrow.

Mr. JONES. Thank you very much, Mr. Dingell.

Any questions?

Mr. BALDWIN. No questions, Mr. Chairman, except to say that I know of Mr. Dingell's longtime interest in the subject, and I congratulate him for continuing his interest with such diligence.

Mr. DINGELL. I thank my good friend.

I had the privilege, as many of the members will recall, of serving on this committee some 10 years ago and had the pleasure of working with many of my colleagues here on the first public water pollution bill, Public Law 660.

Mr. JONES. And you showed bad judgment in leaving us, too. [Laughter.]

Mr. DINGELL. There are times, Mr. Chairman, when I thoroughly agree with that statement. [Laughter.]

Mr. JONES. Thank you very much.

Mr. DINGELL. Thank you, Mr. Chairman.

Mr. JONES. Our next witness is the Honorable John P. Saylor, our associate from Pennsylvania.

STATEMENT OF HON. JOHN P. SAYLOR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. SAYLOR. Mr. Chairman, my purpose in appearing here today is to advocate inclusion of the provisions of H.R. 896 in the legislation to be reported out by the Public Works Committee for the purpose of reducing water pollution.

H.R. 896, which I introduced on January 4, would amend the Federal Water Pollution Act to provide for the sealing off of certain abandoned coal mines so as to prevent the pollution of waterways, and for other purposes. It would authorize appropriation to the Department of the Interior the sum of \$5 million to be allotted equitably and paid to the States for expenditures by or under the direction of their State water pollution control agencies for sealing off abandoned drift and shaft-type coal mines which are located in any of the several States.

At this point, I should like to give the chairman a copy of H.R. 896 which I hope he will place in the record of this hearing.

Mr. Chairman, I am frank to say that my recommendations are not the complete answer to the acid mine drainage problem, yet they will contribute importantly to reducing the amount of acid that pollutes our streams and rivers. Reduce but not prevent, but I am convinced that the resulting decrease will more than justify the investment.

There was a time when it was generally believed that sealing off of abandoned mines was the answer to the problem of acid mine drainage originating in underground workings. But subsequent research and experimentation have largely negated this assumption. In the first place, it has been found that sealing of abandoned drift mines is ineffective in reducing the quantity of acid discharged when the coal seam is above drainage level. Thus, until further information is accumulated with respect to treatment of abandoned mines in that category, it apparently would prove to no avail if those mines were sealed. Where sealing must take place with all practical speed is in abandoned deep mines, so many of which are located in the Appalachian area.

Again let me say that there is no assurance that some seepage will not take place even in workings far below drainage level, for anyone familiar with artesian wells or oil gushers is aware that pressure from within the earth is capable of creating an upward flow wherever a break, hole, or crevice occurs. Nature sometimes has a way of defying

man's most exhaustive efforts, and for this reason it would be folly for me to contend that sealing off mines will entirely terminate their release of acid waters.

If, then, H.R. 986 is to be considered stopgap legislation, at least be assured that it is essential to a water pollution control program until a better method of reducing acid mine drainage is found. What all of us must come to recognize is that there was a time not too long ago when we could live comfortably with the acid water that was a part of the coal mining operation. As more mines were worked out over the years and more pits were abandoned, the problem grew in intensity. All the while a growing populace added greater volumes of sewage to our streams and rivers, which also were required to carry off progressively greater amounts of other industrial wastes.

With these accumulations, we have come to a point where something must be done and done quickly about water pollution. I am confident that science and research are going to solve the problem eventually, but experiment and application takes more time than we can afford to make available under prevailing circumstances. For this reason we are going to have to utilize whatever stopgap measures are feasible and practical, and I have no doubt but that mine sealing is one of the wisest investments that can be made in this regard.

Now that we are alerted to the consequences of water pollution, we are going to make encouraging progress. We have no alternative. What solutions will be developed within the next few years may not be visualized at the present time. Perhaps we shall discover that pollution of streams and rivers cannot effectively be prevented in a highly industrialized civilization, that giant purification plants must be erected and placed at strategic points along our waterways. I have for some time recommended a stepped-up program of research to remove impurities from brackish water.

Gentlemen, you may be interested to know that last fall I arranged for the secretary of mines, of the State of Pennsylvania, Dr. Charmburg, and a team of experts from Westinghouse Corp. of Pennsylvania to visit Guantanamo for a firsthand look at our desalting plant at the naval base in the hopes of applying its techniques to our polluted streams.

As a consequence of this visit, the Pennsylvania Coal Research Board awarded a contract to Westinghouse to make a determination as to whether proven salt water conversion processes can be adapted to the mine drainage program. It is not inconceivable that plants which dwarf those I have envisioned will be placed in use before the end of another decade.

Whatever the decision, this committee is doing an outstanding service in its attempt to determine the most effective methods now available for water pollution control. I am confident that H.R. 896 can become a highly important ingredient of your worthy program.

Thank you, Mr. Chairman.

Mr. JONES. Our next witness is the Honorable Richard L. Ottinger, of New York. We are pleased to have you with us, Mr. Ottinger. You may proceed.

**STATEMENT OF HON. RICHARD L. OTTINGER, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEW YORK**

Mr. OTTINGER. Thank you very much, Mr. Chairman.

Mr. Chairman and members of the Committee on Public Works, I am appearing before your distinguished committee to express my support for the measure I hope will be speedily enacted as the Water Quality Control Act of 1965.

This proposal supports the objectives outlined by President Johnson in his state of the Union message and his message on natural beauty, in which he called for an expanded conservation program as part of our effort to achieve the Great Society.

I am fully in accord with the objectives of this measure. For too long we have taken only small steps toward improving the quality of our water resources and making more effective our programs for the control and abatement of water pollution.

However, Mr. Chairman, I would ask whether the legislation before your committee today provides the means to wage a truly effective war against the Nation's water pollution problems?

The proposal does not recognize that the present ceilings on individual and multimunicipal grants are unrealistic when applied to the needs of our larger communities. At present, the grants frequently come to less than 10 percent of the costs involved, thus destroying the incentive to develop local projects for the control and abatement of water pollution.

Mr. Chairman, the Governor of New York, the Honorable Nelson A. Rockefeller, has recognized the extent of water pollution in our State and is calling for a comprehensive 6-year program to meet the problem.

The Governor has pointed out that nearly two-thirds of all New Yorkers live in areas affected by pollution, with 1,167 communities and 760 industrial sources still pouring treated or untreated wastes and even raw sewage into the State's waterways.

He estimates that \$1,709 million will be required to construct the local sewage treatment plants and interception sewers needed now and through 1970. Under the program he recommends, the State and Federal Governments would each pay 30 percent of this cost—or a total of \$1 billion—with local communities paying the remaining 40 percent.

The situation in New York is critical. Of 17.5 million people, only 9.2 million are served by systems that help keep their water clean. Raw, untreated sewages discharge into waters in communities with almost 3 million people. Another 3 million people are served by inadequate facilities. Some 2.3 million people, mainly those in suburban communities, use private disposal systems that will eventually have to be replaced with public systems.

The present grant-in-aid program under Public Law 660 does not come close to meeting the needs of New York State, and I fear that even with the higher ceilings provided in the legislation before you today, the Federal water pollution control program will be little more than a sigh in a hurricane.

I would urge the committee to consider carefully amending this legislation so that the Federal Government would pay a full 30 percent of all projects.

As Governor Rockefeller properly observed:

Providing the money now to achieve pure waters will be an investment in our future and in the future of our children. If we provide enough funds now to do the job—to eliminate the huge backlog of accumulated needs—we will avoid the staggering costs which would result from permitting water pollution to reach crisis proportions—crises in terms of community and industrial development, health, domestic water supply, recreation, the increasing demand for water, and rising construction costs.

Mr. Chairman, in one plant alone in New York City, the cost was \$85 million.

I really think that the moneys provided to be authorized under this legislation, \$20 million a year, are grossly inadequate to meet the need that is going to exist all over the United States for this type of legislation. New York, based on this 30 percent formula, could use that in one project alone, the whole \$20 million.

Thank you.

Mr. JONES. Thank you very much.

What was the figure that the Governor of New York had requested in his legislation?

Mr. OTTINGER. A program for a total of \$1.7 billion.

Mr. JONES. For a 5-year period?

Mr. OTTINGER. For a 6-year period.

Mr. JONES. What was involved?

Mr. OTTINGER. The planting, construction of sewage treatment plants primarily, and research in the field of cleaning up industrial pollution.

There is another area—I don't know whether it comes under your direct area of interest, but it has been mentioned frequently—that I think is of interest. That is tax incentives to private companies to install water-cleaning systems, which I think would be very constructive.

Mr. JONES. Thank you very much.

Are there any questions?

Mr. DORN. Mr. Chairman, did I understand the witness to say that Governor Rockefeller is proposing \$1,700 million to be spent by the State of New York?

Mr. OTTINGER. That is correct.

Mr. DORN. In a 6-year period?

Mr. OTTINGER. That is correct. It is a very constructive and salutary program, but in accordance with the needs as I have outlined them for New York State it is barely a start. What he hopes to do is to get Federal cooperation to the extent of 30 percent in carrying out this program.

Mr. DORN. Would you know offhand for the record what the annual budget of the great State of New York is? Is it in the neighborhood of 4 or 5 billion? In other words, there is a pretty good expenditure here even by New York.

Mr. OTTINGER. It is a very substantial program. New York unfortunately in the past has neglected this problem and has now reached these crisis proportions I have described. The Governor is now pro-

posing a very ambitious and long-range program to tackle the problem. We feel if he does not make a substantial start now, the costs in the future are just going to be prohibitive.

Mr. DORN. Thank you.

Mr. JONES. Thank you for your excellent testimony.

Off the record.

(Discussion off the record.)

Mr. JONES. We are looking forward to hearing from Mr. Richard McCarthy.

STATEMENT OF HON. RICHARD D. McCARTHY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. McCARTHY. I have a statement for the record, Mr. Chairman.

Mr. JONES. It will be received and printed in the record at this point.

(The prepared statement follows:)

Mr. Chairman, the Committee on Public Works, and its predecessor committees, have long been concerned with the development of the water resources of the Nation. I am honored to take my place on this committee and to begin my committee service in the House of Representatives in the company and under the guidance of members whose experience, knowledge, and dedication to the Nation's interest have made so many notable contributions to the wise management of the waters of America.

No aspect of water resources management is more vital, none is more urgent, than the prevention, control, and abatement of water pollution. To you, Mr. Chairman, we are indebted for your continuing legislative leadership in giving the U.S. Government a meaningful role in the endeavor, and in seeking to strengthen that role to meet the ever-increasing demands for clean water. In introducing a bill identical to your bill, H.R. 3899, the Water Quality Act of 1965, H.R. 4264, I am proud to join in the fight to halt the onslaught of pollution, to raise the quality of waters which have been defiled, and to prevent pollution before it occurs.

The 39th Congressional District of New York embraces a part of the city of Buffalo and surrounding communities in Erie County. To the people of my district water is bound up with the storied past of the Niagara frontier, the growth of industry and a great port, with their daily bread and their enjoyment of the good life.

The people I represent are concerned, deeply concerned, that pollution has fouled the waters of Lake Erie, that historic uses of the lake are impaired, that others are in danger. They are determined that a bountiful supply of clean water, at the doorstep of a great metropolitan area, will be assured to them and to future generations.

I am receiving a tremendous response from a questionnaire mailed to 100,000 homes in my district. The vast majority of the responses state that they believe that a strong Federal program is needed in water pollution control. Citizens of both major parties, and those with no affiliation, persons of conservative, moderate, and liberal persuasion, to employ the popular labels of the time, are represented in the poll.

I made a pledge to the people of the 39th District that I would be an activist in the Congress in the cause of clean water. That is why I sought assignment to this great committee. That is why I joined you, Mr. Chairman, the chairman of the Committee on Public Works, Mr. Fallon, and other members of the House, in introducing the Water Quality Act of 1965. That is why I appear here today.

President Johnson has summoned us to the Great Society. In his state of the Union message, and, more fully, in his brilliant message on natural beauty, the President asked for a new conservation. He told the Congress and the

country of the devastation wrought by pollution. He made specific mention of Lake Erie, where last summer 2,600 square miles, over a fourth of its surface, "were almost without oxygen and unable to support life because of algae and plant growths, fed by pollution from cities and farms."

The President spoke of the progress made toward the national goal of an environment pleasing to the senses and healthy to live in, but added that more must be done. In the legislation before this committee does not lie the total answer to the gigantic problem of water pollution. But in the Water Quality Act of 1965, I believe are effective tools for a more energetic attack on that problem.

To the Federal Water Pollution Control Act would be added a firm statement of purpose—to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution.

The national program would be given an organizational status more in keeping with its importance through the creation within the Department of Health, Education, and Welfare of the Federal Water Pollution Control Administration.

The complicated problem of overflow in times of heavy rainfall from combined storm and sanitary sewers would be the focus of a new 4-year research and development program. Some years ago in a study of combined sewer flow in Buffalo the researcher computed that in a single hour during a storm the combined sewage carried 28.4 times the normal amount of suspended solids. The new program, proposed by the bill, would authorize grants for the exploration of new and improved methods of dealing with this difficult problem.

The bill would permit a more realistic Federal contribution to the construction of municipal waste treatment works by increasing the dollar ceilings of the present law from \$600,000 to \$2 million for a single project, and from \$2.4 to \$6 million for a joint project, serving two or more communities.

The present 30 percent of project cost limitation would not be affected. The dollar ceilings, fixed in recognition of the higher per capita construction costs of projects and of the difficulty which smaller cities face in securing financing for their public works, fail to come to grips with another set of facts: It is in the urban complexes of this country that the worst unmet pollution problems exist. It is both inequitable, and ineffective in stimulating the construction of much needed large-scale waste treatment works in metropolitan areas, to give these projects Federal assistance in amounts far below the 30 percent of project cost which smaller communities receive.

The proposed 10-percent "bonus" in the amount of a grant for a project certified as being in conformity with an overall regional development plan would be an incentive to orderly metropolitan area planning. (A recent Federal grant offer for a joint project in Erie County, the \$1,110,000 contribution toward \$3,963,000 in eligible costs for construction in Erie County to serve the towns of West Seneca, Hamburg, and Orchard Park, and the village of Orchard Park, did approach the 30-percent ceiling.)

Guidelines to conscientious water users would be laid down under the permissive authority which would be given the Secretary of Health, Education, and Welfare to fix water quality standards for interstate waters or portions thereof. Such standards would be promulgated only in the absence of satisfactory State or interstate standards, and only after ample opportunity was given to all affected interests to put forth their views.

Enforcement, the ultimate key to effective water pollution control, would be given important support through the power to subpoena witnesses and testimony which the bill would confer on the Secretary. In the unusual instance in which cooperation, the underlying philosophy of the Federal program, does not succeed, the power to compel the presence and testimony under oath of witnesses and the production of evidence, could be invoked.

Altogether, these provisions of the Water Quality Act of 1965, and others which I have not touched upon in my statement, would strengthen the cooperative Federal-State-local effort in water pollution control. The progress which the Nation has made since the Federal Water Pollution Control Act became permanent law in 1956 is rivaled by the alarming increase in pollution from domestic, industrial, agricultural, and other sources.

Today's needs for clean water will be dwarfed by tomorrow's as population growth, urbanization, technology, and a higher standard of living make increasing demands on the relatively fixed supply of water.

Excellent drainage and water supply are among the reasons why the Buffalo area has been pronounced a beautiful place to live. The park system is enhanced by the beauty of lake waters. Water was the highway when La Salle set out on the *Griffon* in 1679, when *Walk on the Water*, the first Great Lakes steamboat was built in 1819, when the Erie Canal was finished in 1825. With the harnessing of Niagara Falls at the end of the last century, area industry was given further stimulus. Battles for the defense of the young Republic were fought near those shores.

Water at the city's doorstep made Buffalo a great port. The New York State barge canal and the St. Lawrence Seaway are links to the sea. Flour is milled and grain distributed, many products manufactured. Without abundant water of adequate quality these goods for the use of man could not be handled.

I support my constituents in their demand for clean water to drink and to use in their homes, to enjoy—near their communities, without long travel—for recreation and esthetic satisfaction. Their insistence is echoed across the country. The President has set a national goal, placing the quest for clean water in the larger context of the pursuit of a new conservation and the restoration of the beauty of America.

The Senate has overwhelmingly passed a water pollution control bill. This committee, and the House of Representatives, under your leadership, Mr. Chairman, will, I am confident, act with dispatch in the cause of clean water for America.

Mr. McCARTHY. I would now just like to touch briefly on the highlights. First of all, it is a great honor to be on this committee in the company of such distinguished members who have really taken the leadership in this whole program. The country has been moving on this for quite some time, thanks in large measure to the efforts of the House Public Works Committee.

The district I represent is the 39th of New York, which encompasses part of the city of Buffalo and surrounding communities in Erie County. To the people of my district water is bound up with the storied past of the Niagara frontier with the growth of industry and a great port, with their daily bread and with their enjoyment of the good life.

If we lived in the Buffalo area in a primitive society—and during our political wars they sometimes say we do—I think we would deify the lake because we rely on it for so much; I mean the water that sustains our life, that we rely on for our bread and butter, the water that flows down the Niagara River and over the falls to give us our light, in many cases our heat and power to the whole industrial complex of the Niagara frontier.

So we see that water to the people of my area is of critical importance. It is bound up with a whole psychology of the people in their daily pursuits. They are alarmed over the increasing pollution of Lake Erie, to which the President of the United States himself alluded in his historic message on beauty, in which he pointed out that last summer one-quarter of the surface of Lake Erie was without oxygen and unable to support life.

Two weeks ago I sent a questionnaire to every home in my district, 110,000 households. They are now flooding into our office. We have received about 12,000 to date, and a quick perusal of the replies shows that about 90 to 1 the respondents favor a strong Federal program to abate water pollution.

Present here in the room is one of the leading citizens of Buffalo, N.Y., Mr. John Galvin, the chairman of the board of our largest bank, the Marine Trust Co., and chairman of the civic committee called the Greater Buffalo Development Foundation, which is fostering a whole

program of urban renewal and rejuvenation of the whole area. This is just another evidence of the determination of the people of western New York that a bountiful supply of clean water at the doorstep of a great metropolitan area will be assured to them and to future generations.

To conclude, I should just like to, along the lines of Mr. Dingell and Mr. Ottinger, strongly recommend that we on the Public Works Committee give serious consideration to raising the limitation of Federal grants on single projects and joint projects now specified in the bill. As has been pointed out, in New York State alone at least \$85 million would be needed as the Federal Government's share on projects which have the highest priority and are needed immediately.

However, in view of the budget limitations, I believe that this whole matter should be reviewed at a later date this year to see how the entire program is operating. It is my hope that with the evidence provided at this time Congress will see fit to provide more funds to alleviate the serious problems of water pollution facing areas of large urban populations.

Thank you very much, Mr. Chairman.

Mr. JONES. Thank you for a fine statement.

Are there any questions?

A point of order has been made that the House is in session. Of course, the chairman must sustain the point of order. As I understand, we had several witnesses. There has been a unanimous consent request propounded in the House by Mr. Thompson, requesting permission for the committee to sit this afternoon during the general debate on the bill that is now pending. Objections were made, and so therefore the only thing the chairman can do is to adjourn the committee until 10 o'clock in the morning.

(Whereupon, at 11:20 a.m., the committee recessed until 10 a.m., Friday, February 19, 1965.)

WATER POLLUTION CONTROL HEARINGS ON WATER QUALITY ACT OF 1965

FRIDAY, FEBRUARY 19, 1965

HOUSE OF REPRESENTATIVES,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C.

The committee met, pursuant to adjournment, at 10:10 a.m., in room 1302, Longworth House Office Building, Hon. John A. Blatnik presiding.

Mr. BLATNIK. The House Public Works Committee will please come into session.

We will continue in public hearing testimony on Federal Water Pollution Control Act amendments, specifically in bills H.R. 3988, S. 4, as passed by the Senate, H.R. 4627, Mr. Fallon, and other similar and related bills.

We will begin with the witness we were unable to reach yesterday, Mr. James M. Quigley, Assistant Secretary of Health, Education, and Welfare.

Mr. Secretary, we appreciate your standing by yesterday to be available at any time should we have continued and for rearranging your schedule to get here as the first witness this morning at the convenience of the committee.

Mr. CRAMER. Mr. Chairman.

Mr. BLATNIK. Mr. Cramer.

Mr. CRAMER. This is probably the most important witness on this bill and I notice the obvious absence of a quorum. I realize, of course, you do not have to have a full quorum to continue the hearings, but I would suggest that with eight members present—we run into this problem quite often, Mr. Chairman, when we get into the full executive session, those that were not here when important testimony was given, it is rather difficult to go over all of it again. We are making calls on our side.

Mr. SULLIVAN. We have, too, Mr. Cramer, and will continue to do so.

Mr. BLATNIK. What is the gentleman's point of order?

Mr. CRAMER. Point of order, the hearings having started, I was suggesting, hoping, to get more members in. We are trying to on our side.

Mr. BLATNIK. I want the record to show I, too, hoped there would be more members. There was excellent attendance yesterday.

We were put in a somewhat difficult position when, without our knowledge, neither available to the majority nor minority of the committee, the House committee was advanced to 11 o'clock instead of 12. Since the gentleman, the minority leader, raises this issue, and

this does not pertain to him, he has been most cooperative, I would like the record to show Mr. Quigley was scheduled to appear yesterday. When the session started at 11, there were several hours of general debate on the bill with which you are quite familiar. It was perfectly agreeable to continue with the Secretary yesterday. The members having been notified in advance they would hear Mr. Quigley yesterday, were here.

In the opinion of the Chair, for no good reason whatsoever, all members of the committee, because of one member of the minority raising objection, were denied an opportunity to hear and to question the Secretary yesterday morning when we were all here.

Mr. Secretary, will you please proceed?

Mr. HARSHA. Mr. Chairman, I would like to state that that is a matter of opinion, whether or not there was good reason or not we objected to hearing yesterday. That is your opinion; I have a different opinion.

Mr. BLATNIK. I made it clear, and the gentleman understands, just in my opinion. I mentioned no names.

Mr. HARSHA. Contrary to the rules of the House——

Mr. BLATNIK. Will the Secretary please continue?

STATEMENT OF JAMES M. QUIGLEY, ASSISTANT SECRETARY; ACCOMPANIED BY DEAN COSTON, DEPUTY ASSISTANT SECRETARY, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Resumed

Mr. QUIGLEY. Mr. Chairman and members of the committee, I am indeed happy to appear here this morning and to have this opportunity to express my views and to express the support of the administration for H.R. 3988, a bill introduced by the distinguished chairman.

This committee, Mr. Chairman, since 1956, has been in the forefront of constructive legislative activity in the field of water pollution control, and the leadership given by the Chairman has been largely responsible for keeping all of us very much aware of the magnitude of the problems and the urgent necessity to take effective Federal action to bring water pollution under control.

President Johnson, in his message on natural beauty, set forth clearly and forcefully the philosophy and policy which this administration will support and encourage. I am quoting the President when I say:

The increasing tempo of urbanization and growth is already depriving many Americans of the right to live in decent surroundings * * *. The modern technology, which has added much to our lives can also have a darker side. Its uncontrolled waste products are menacing the world we live in, our enjoyment, and our health * * *. The same society which receives the rewards of technology, must, as a cooperating whole, take responsibility for control.

The President's program for clean water both supports and complements H.R. 3988. We expect to have new proposals to further strengthen the Federal Water Pollution Control Act, in line with the President's recommendations, at a later time, but we do not recommend any delay in the enactment of H.R. 3988. The bill is constructive and practicable and, with the few amendments we are suggesting, will represent a positive advance in the development of a national program. The provisions of H.R. 3988, or provisions very similar to it, have been the subject of extensive hearings and

consideration by this committee, and I do not think it is necessary for me to go over them again in any great detail. I would like, however, Mr. Chairman, to discuss certain differences between your bill sponsored by the chairman, and S. 4, the bill passed in the Senate.

Section 2 of H.R. 3988 would require that the entire Federal Water Pollution Control Act be administered by the Secretary through a new Water Pollution Control Administration; section 2 of S. 4 would leave discretion with the Secretary with respect to placement of certain parts of the program. If legislation is enacted to establish a Water Pollution Control Administration, the Secretary plans to transfer all functions encompassed under the Water Pollution Control Act, except for such limited functions as may be retained by the Secretary. He proposes to transfer all of the functions under the act to the new Administration. It is the definite intent, therefore, to operate, as envisaged by section 2 of H.R. 3988. However, despite this, Mr. Chairman, it would be administratively preferable to authorize the Secretary to have a reasonable degree of flexibility to make adjustments in this assignment of functions if experience should so dictate.

The need for such flexibility is emphasized by the recent statement of the President in his message on natural beauty in which he said:

I have instructed the Director of the Bureau of the Budget and the Director of the Office of Science and Technology to explore the adequacy of the present organization of pollution control and research activities.

In the event that it should become the conclusion of that study that certain of the research activities relating to water pollution, for example, should more effectively be performed, in whole or in part, by an organization other than the Water Pollution Control Administration, the Secretary should be able to make such a reassignment of function without asking for a change in law. For this reason, Mr. Chairman, we would prefer the minimum degree of specificity as to which functions the Secretary is required by law to vest in the Water Pollution Control Administration beyond the minimum functions which justify its establishment. We say this, Mr. Chairman, despite the fact, as I have already indicated, it is Secretary Celebrezze's clear intent that if this legislation passes, that he would generally follow the administration pattern called for in the House bill, the bill before this committee.

In addition, Mr. Chairman, we are submitting with our report on the bill a few perfecting amendments to this part of the bill designed to carry out its intent. In addition, we are considering, and we hope to submit within the next few days suggested language for adjustments in existing law to overcome a transitional problem that we have encountered in examining and anticipating the staffing and the administrative needs of the projected Water Pollution Control Administration. It is important that the new Administrator of the Water Pollution Control Administration have full control over his own personnel, including the ability to use the skilled personnel who are presently commissioned officers of the Public Health Service. The Administrator should be able to retain and assign to appropriate positions those commissioned officers—mostly engineering officers—who have developed expertise in the field of water pollution control, just as existing law would permit the new Administrator to retain the

skilled civilian employees of the Public Health Service. It will apparently be necessary to work out legislative language which will permit the transfer of commissioned officers to civil service status without adversely affecting their retirement rights. We are currently in the process of exploring this problem with the Bureau of the Budget and the Civil Service Commission. If agreed-upon language can be worked out within the next few days, and we are confident it can, we should like very much to work with your committee staff to see whether it can be worked out and included in this bill.

Section 4 of H.R. 3988 increases the grant ceilings for individual and combined waste treatment projects more than is called for in the Senate-passed bill. I am sure that the committee is aware that these increases, coupled with no increase in the overall appropriation ceiling of \$100 million, will result inevitably in a reduction in the number of projects to be supported, although more adequate Federal matching will be available for larger projects. We would point out the waste treatment facilities construction program embodied in the Federal Water Pollution Act, is scheduled to expire in fiscal year 1967, and consideration should be given to the need to raise the overall ceiling and make other modifications when extension of the program is considered. For these reasons, Mr. Chairman, we would recommend now the enactment of the smaller increases contained in the Senate bill.

There are a number of differences in section 5 of the two bills, which provides for the promulgation of water quality standards. We have prepared and enclosed with our report on the bill some technical amendments to clarify and perfect this section. These amendments are attached to our report on the bill. I think that it is fair to point out that the provisions setting water quality standards, while giving us an important new tool, neither substitute for nor modify our present authority under the enforcement provisions of the present law. I do not want to leave the impression with this committee that actions we may take to set water quality standards on streams will in any way constitute a license to pollute. To the extent that standards are useful to achieve further progress toward our national goal of clean water, they will be used to the maximum extent. But let no one be deceived that standard setting will reduce our determination to pursue a vigorous enforcement policy.

Nor do I want to leave the impression that, even with the perfecting amendments which we have submitted with our report, we would have achieved the "swift and effective enforcement procedure" to prevent pollution at its source that the President's message on the state of the Union and on natural beauty envisioned. We expect to come up with proposals to accomplish this before too long, but it would be a disservice to delay this bill for that purpose. It need not substantially delay this bill, however, for the committee to consider whether it is sound to require, in addition to the very full and extensive abatement procedure in the present law, public hearings for the establishment of water quality standards, the practicability of which would, in the final analysis, be subject to court review in any event.

We endorse the provision of H.R. 3988 which would provide authority to subpoena witnesses and records. Practically every regulatory agency in the Federal Government has such authority now. We have found in a few instances in the past we have been unable to obtain in-

formation needed to evaluate pollution situations and make proper recommendations for correction. The power to subpoena in such instances is a necessity.

Mr. Chairman, President Johnson said in his message, and I quote:

It is true that we have often been careless with our natural bounty. At times we have paid a heavy price for this neglect. But once our people were aroused to the danger, we have acted to preserve our resources for the enrichment of our country and the enjoyment of future generations.

This statement is particularly appropriate for this committee, for you have been, over the years, pretty much the conscience of the country in your efforts to achieve clean water.

We applaud and we support your efforts and we recommend speedy enactment of your bill with the amendments we have suggested.

Mr. BLATNIK. Thank you, Mr. Secretary.

Are there any questions on my right?

Mr. WRIGHT. Mr. Chairman?

Mr. BLATNIK. Mr. Wright?

Mr. WRIGHT. Mr. Chairman, I should like to congratulate the Secretary, our former colleague, with whom all of us here have had many discussions and associations in the past.

I think you have made a very fine statement and I want to express my pleasure in welcoming you here to the committee, and having you back on the Hill.

Mr. QUIGLEY. Thank you, Mr. Wright. I am always glad to be back.

Mr. CLARK. Mr. Chairman?

Mr. BLATNIK. Mr. Clark.

Mr. CLARK. I want to commend the gentleman from Pennsylvania, who was our colleague for a number of years, and I want to commend him for his statement. I think it is very good and very worthwhile to this committee.

I should say that I have had my doubts on section 2 of this bill, but if your Secretary, Mr. Celebrezze, would say that you would be the director, I would be very happy to support it 100 percent.

Mr. QUIGLEY. I think I had better say, "No comment" on that.

Mr. EDMONDSON. Mr. Chairman?

Mr. BLATNIK. Mr. Edmondson.

Mr. EDMONDSON. Mr. Chairman, I would like to compliment the Secretary, too, on his splendid statement.

I am particularly pleased by his recognition of the fact, as indicated on page 4, that if we do increase the ceilings that are in effect on these individual project grants, that we are going to be able to handle fewer projects in the future and that some increase in the authorization is definitely going to be needed.

I just wonder if the Secretary would comment on the propriety of putting that increase into effect now, since we are talking about ceiling increase now, in order to maintain the volume of projects in the future that are needed for sewage treatment.

Mr. QUIGLEY. Well, Mr. Edmondson, as I indicated in my statement, I think we recognize that we cannot have it both ways. You cannot increase the individual project ceiling and keep the overall ceiling firm and not reduce the number of projects.

Up to now we have moved in one direction. But on the basis of experience under this program, there is increasing evidence that the construction grant program has been most effective. There is no question that the amount of construction that has gone on in the sewage treatment area in this country in the last 6 to 8 years has increased threefold or fourfold. But I think if you examine the record, the construction program, as it has functioned to date, has been largely a godsend and a blessing for the large towns and the small cities.

I think the really small towns, the small town with maybe only 2,500 people, that have a very small tax base, have not generally been able to take advantage of the program, as they have not been in a position to come up with the 70 percent in order to qualify for the Federal Government's 30 percent.

On the other hand, our larger cities—and I think this has been dramatized by Governor Rockefeller's recent announcement on the water pollution situation in the State of New York—our larger cities have not found the \$600,000 ceiling particularly attractive. It does not give them enough help to move them closer to their goal.

One other generalization I would make, I would say that the accelerated public works program demonstrated that the cities, large or small, in our economically depressed areas of this country, did not find the regular construction program as attractive as we would have hoped they would. It was not until, under the accelerated public works program where we were able to make as much as 50, or in some instances, 60 percent of the Federal dollars available, that many areas that are economically depressed were able to move, simply because talking to them about 30 percent meant nothing, because they just could not, in their economically depressed condition, do much about raising the 70 percent.

So we have a problem here. I think there is a general recognition of it in the Senate action, in the chairman's bill. I think there is a general recognition of it on the part of the administration. But what we are suggesting is that we would go ahead with the more modest increase under the present ceiling as provided for in the Senate bill and then next year, as we face up to the overall problem of extending the program beyond fiscal 1967, that we really think through what the new ceiling ought to be and that maybe we give some hard study to whether the formula ought not to be revised in ways that would make it more effective or more attractive to those cities and towns that up to now have not been able to take advantage of it.

Mr. JONES. Would the gentleman yield?

Mr. EDMONDSON. Yes.

Mr. JONES. How many projects have been dropped due to the expiration of the accelerated public works program?

Mr. QUIGLEY. Mr. Jones I cannot answer that. Clearly there were projects that could not go forward as we used up the accelerated public works fund and no more—

Mr. JONES. And had been approved?

Mr. QUIGLEY. They were in the pipeline and would, had the funds continued, the program continued, undoubtedly be reached and by now in many instances would be under construction. In some instances, some of those projects were able to qualify under the regular program. In other instances, they are just kind of hanging fire be-

cause the communities do not have the ability to come up with the local money.

Mr. EDMONDSON. Can I read into what you just said that you believe there is going to be support for further accelerated public works programs or for legislation to bring this grant percentage up to 50 percent? Because I sure would feel a lot more enthusiastic about raising this percentage, this amount of money that the big cities can get. I recognize the need for it. But I would feel a lot more enthusiastic about it if I thought you were also going to move to support this accelerated public works program and to make the funds available in these smaller cities and towns to meet this sewage treatment requirement in those areas.

I think it is very urgent and, to my way of thinking, it is the key, the indispensable key to handling this water pollution problem in a lot of areas in the country.

Mr. QUIGLEY. Mr. Edmondson, I do not think it is fair or accurate to read either of those two possible conclusions into what I have said.

I think there is a clear recognition on the part of the administration of this problem. I think the experience we had under the accelerated public works program pointed out one possible solution. I think this could be the way that ultimately might be determined that we would go. But what I am pointing out, however, is we also recognize that maybe another approach to this problem, and maybe from the point of view of our water pollution control program, the better approach, would be to revise the ceiling and the formula on the overall ongoing program.

Mr. EDMONDSON. Could I get verification on another part of your statement here, on page 5, when you talk about the question of the desirability of public hearings on establishment of water quality standards. When you continue and say: "The practicability of which would, in the final analysis, be subject to court reviews in any event." are you suggesting that you do not believe these public hearings for establishment of water quality standards are desirable?

Mr. QUIGLEY. I do not know if they are desirable or undesirable. What I think I am suggesting is there might be merit and wisdom if the members of this committee would take a hard look at the procedure as it is now spelled out or now proposed, and consider whether that could not be streamlined; and, at the same time, still come up with some relatively good and reasonable and sound standards, which as I pointed out, in the final analysis are going to be subject to court review.

In other words, I would hate to see the standards section become law and then find out that we are bogged down in a maze of legalisms and dilatory tactics and protracted public hearings. Because I think the clear intent and purpose of the standards section, as I understand the intent of the sponsors, is to have us move forward and practice a little preventive medicine. Let's catch some of our streams before they become polluted.

Mr. EDMONDSON. I think there is merit in that.

Mr. QUIGLEY. I think this committee will criticize us if 3 or 4 years from now we have not done too much on standards except have a lot of hearings.

Mr. EDMONDSON. Would you be agreeable to the addition to the bill of a provision with regard to court review that would make it clear that the court review provision by the Administrative Procedures Act would be followed?

Mr. QUIGLEY. Well, I think inherent in the bill as it is now written is the idea of court review. Now, whether it is in accordance with the Administrative Procedures Act or not, I think there is not any question that there is no provision for court review and there should be.

Mr. EDMONDSON. Do you see any objection that you know of to having the clear statement in the law that the provisions of the Administrative Procedures Act would apply with reference to the court review?

Mr. QUIGLEY. I have not, and it is so provided for in the Senate-approved bill. Clearly there ought to be, there must be the right of court review. Everybody should be protected from arbitrary action on the part of any administrator, even if I happen to be the administrator.

[Laughter.]

Mr. EDMONDSON. I thank the gentleman.

Mr. BLATNIK. Mr. Dorn.

Mr. DORN. Mr. Chairman, I want to welcome our colleague back before the committee and commend him for his energetic devotion and dedication to public service.

I would like to ask the Secretary whether or not any conferences have been called between States at their request by the Department of Health, Education, and Welfare or the Public Health Service in the last few years concerning pollution of interstate streams?

Mr. QUIGLEY. Yes, Mr. Dorn, there have been conferences. I think there have been a total of 34 conferences that have been held since the act has been on the book, and it is my recollection—I will verify this and supply it for the record—that 14 of those were called at the request of a State, not necessarily both States involved, usually it is the downstream State that is suffering the ill effects of the pollution that has invited us in. In a number of cases, of course, Governors have invited us in to hold a conference on streams that flow solely within their State boundary but the States have not hesitated to exercise their prerogative and invite the Secretary to call conferences and where they have, in every instance those conferences have been held.

(The information referred to is as follows:)

ENFORCEMENT ACTIONS

Of the 34 actions initiated to date, 21 have been brought on Federal initiative to abate pollution of interstate waters. Thirteen actions were taken at the requests of State water pollution control agencies or individual Governors—eight on interstate waters, two requested by Governors to extend to both interstate and intrastate waters, and three requested by Governors on intrastate waters only.

Forty States and the District of Columbia have been parties to these actions, of which four advanced to the hearing stage. Court action was subsequently initiated in one case and a court order issued.

More than 1,000 municipalities and a like number of industries have been included in the scope of these proceedings. They have included such large metropolitan areas as New York City, Detroit, the Kansas Cities, and St. Louis and such large corporations as Armour, Swift & Co.; Du Pont; Scott Paper; Vanadium Corp. of America; Olin-Mathieson; Crown Zellerbach Corp.; Weyerhaeuser Timber Co.; and others.

The pollution of well over 7,000 miles of streams and bays will have been abated when remedial facilities entailing the expenditure of an estimated \$1.780 billion have been constructed. All types and sources of pollutants have been involved, including municipal sewage and industrial waste discharges such as food processing wastes, pulp and paper processing wastes, radioactive uranium milling wastes, and toxic chemicals.

ENFORCEMENT ACTIONS—FEDERAL WATER POLLUTION CONTROL ACT

Actions taken on Federal initiative.—The 21 enforcement actions taken upon Federal initiative involved the following interstate water pollution situations:

1. Corney drainage system, 1954, Arkansas and Louisiana.
2. Big Blue River, 1957, Nebraska and Kansas.
3. Missouri River in the St. Joseph, Mo., area, 1957, Missouri and Kansas.
4. Missouri River in the Omaha, Nebr., area, 1957, Nebraska, Kansas, Missouri, and Iowa.
5. Potomac River in the Washington metropolitan area, 1957, District of Columbia, Maryland, and Virginia.
6. Missouri River in the Kansas Cities metropolitan area, 1957, Kansas and Missouri.
7. Lower Columbia River, 1958, Washington and Oregon.
8. Raritan Bay, 1961, New York and New Jersey.
9. Mississippi River, Clinton, Iowa, area, 1962, Illinois and Iowa.
10. Androscoggin River, 1962, New Hampshire and Maine.
11. Coosa River, 1963, Alabama and Georgia.
12. Pearl River, 1963, Louisiana and Mississippi.
13. Menominee River, 1963, Michigan and Wisconsin.
14. Lower Connecticut River, 1963, Massachusetts and Connecticut.
15. Monongahela River, 1963, West Virginia, Maryland, and Pennsylvania.
16. Snake River, Lewiston-Clarkston area, 1963, Idaho and Washington.
17. Lower Mississippi River, 1964, Arkansas, Tennessee, Louisiana, and Mississippi.
18. Blackstone and Ten Mile Rivers, 1965, Massachusetts and Rhode Island.
19. Mouth of Savannah River, 1965, Georgia and South Carolina.
20. Mahoning River, 1965, Ohio and Pennsylvania.
21. Calumet Rivers, lower end of Lake Michigan, and tributaries, Indiana and Illinois.

Actions taken at State request.—State water pollution control agencies or Governors have requested Federal enforcement assistance in 13 pollution situations. Interstate pollution was concerned in 10 such requests, of which 2 also extended to intrastate waters at the requests of the Governors. Three actions involving only intrastate waters were brought upon requests of the Governors concerned.

1. Missouri River in the Sioux City area, 1958, South Dakota, Iowa, Nebraska, Missouri, and Kansas.
2. Mississippi River in the St. Louis metropolitan area, 1958, Missouri and Illinois.
3. Animas River, 1958, Colorado and New Mexico.
4. Bear River, 1960, Idaho, Wyoming, and Utah.
5. Colorado River and all tributaries, 1960, Colorado, Utah, Arizona, Nevada, California, New Mexico, and Wyoming.
6. Holston River, North Fork, 1960, Tennessee and Virginia.
7. North Platte River, 1962, Nebraska and Wyoming.
8. Puget Sound-upper Columbia River, 1962, Washington; requested by Governor.
9. Detroit River, 1962, Michigan; requested by Governor.
10. Escambia River, 1962, Alabama and Florida.
11. South Platte River, 1963, Colorado; requested by Governor.
12. Upper Mississippi River, 1963, Minnesota and Wisconsin; includes interstate and intrastate waters at Governor's request.
13. Merrimack-Nashua River, 1963, New Hampshire and Massachusetts; includes interstate and intrastate waters at Governor's request.

Status of enforcement actions

1. Corney drainage system, Arkansas and Louisiana: This enforcement action was held under the Water Pollution Control Act of June 30, 1948. On June 9, 1954, the Surgeon General found that oil well discharges originating in Arkansas

were endangering the welfare of persons in Louisiana by causing the pollution of the Corney drainage system. This pollution was primarily brine from some 75 oil wells, all privately owned.

A public hearing was held on the matter of pollution of the interstate waters of the Corney drainage system on January 16-17, 1957, at Homer, La. On the basis of evidence presented, the hearing board required that polluters of the Corney drainage system cease and desist from discharging substances which contribute to the pollution within 90 days of receipt of the board's recommendations.

As of 1960 the unsatisfactory brine pits had been replaced and abatement is being accomplished by injection systems. According to available information these systems are working satisfactorily and the polluters (owners of wells) are in full compliance. The Arkansas Water Pollution Control Commission and the U.S. Public Health Service keep constant surveillance on the area to see that proper operation of reinjection systems is maintained.

2. Big Blue River, Nebr. and Kans.: A conference was held on May 3, 1957, at Beatrice, Nebr. Eleven municipalities and one institution in the States of Kansas and Nebraska were involved. Remedial action adopted and complied with by the conferees involved construction of new facilities and additions and modifications to existing facilities, as well as programs of improved operation and maintenance. Over \$1.8 million was expended in the construction of waste treatment facilities, with Federal grants of \$491,973. Cities involved included Beatrice, Friend, Milford, Hastings, and Wilbur, Nebr. The effectiveness of the treatment now provided for the discharges entering the Big Blue River is under study.

3. Missouri River, St. Joseph, Mo. area, Missouri and Kansas: A conference was held at St. Joseph, Mo., on June 11, 1957, on the pollution situation caused by the discharges of untreated sewage and industrial wastes by St. Joseph, Mo., and its associated stockyard area. Involved in the conference were 8 municipalities, 4 institutions, and 18 industries.

Failure to abide by the schedule necessitated the calling of a public hearing by the Secretary of the Department of Health, Education, and Welfare on the city of St. Joseph and 18 industries, which was held on July 27-30, 1959. Subsequently, in view of continued failure to comply, suit was filed by the United States against the city of St. Joseph in the Federal district court at St. Joseph, Mo., September 29, 1960. The court issued an order on October 31, 1961, substantially embodying the hearing board's recommendations.

Three million dollars in revenue bonds have been sold to pay for the construction of the main sewage treatment plant at St. Joseph. Industries involved will discharge to industrial district or municipal plants. The court has retained jurisdiction over compliance in this case.

4. Missouri River, Omaha, Neb. area, Nebraska, Kansas, Missouri, and Iowa: The first session of the conference was held on June 14, 1957, at Omaha, Nebr., and the second session on July 21, 1964, at Omaha. The conferees at the first session found that the major source of pollution was Omaha, Nebr. Fourteen municipalities, four sewer districts, two institutions, and five industries were involved. At the second session the conferees agreed to accept Omaha's new plan whereby the city would finance and build another treatment plant designed to treat packinghouse wastes, particularly paunch manure, not removed by the industries themselves.

5. Potomac River, Washington metropolitan area, District of Columbia, Maryland, and Virginia: The first session of the conference was held on August 22, 1957, at Charlottesville, Va., and a second session was held on February 13, 1958, at Washington, D.C. Untreated and inadequately treated sewage from Alexandria, Va., Arlington and Fairfax Counties, Va., and the District of Columbia contributed to pollution of the river. Eleven municipalities and two industries are involved.

The conferees at the second session established time schedules for remedial measures. Implementation of the time schedule is proceeding and substantial improvements have been made. Secondary treatment facilities at the Blue Plains treatment plant for Washington, D.C., were placed in operation in July 1959. Further improvements are now proceeding. Virginia and Maryland communities are also complying with the time schedule for construction of abatement facilities. Industrial waste has not been a significant problem in the Washington, D.C., area.

6. Missouri River, Kansas City metropolitan area, Kansas and Missouri: The conference was held at Kansas City, Mo., on December 3, 1957. Principal sources of pollution were discharges of untreated and inadequately treated sewage and industrial wastes involving 30 municipalities, 3 subdivisions, 3 institutions, 2 sewer districts, and 33 industries. A schedule of remedial measures to be instituted by the two Kansas Citys and north Kansas City and their associated industries was recommended by the conferees.

When effective progress was not obtained in accordance with the schedule of remedial measures the Secretary of Health, Education, and Welfare called a public hearing on Kansas City, Kans., Kansas City, Mo., North Kansas City, Mo., Fairfax Drainage District of Kansas, and 11 industries. The hearing was held June 13-17, 1960, at Kansas City, Mo.

Substantial progress has been made in the Kansas City metropolitan area. Financing has been provided for the construction of pollution abatement facilities by Kansas City, Kans., in the amount of \$15 million; North Kansas City, Mo., \$7,443,000; and Kansas City, Mo., \$75 million. Two industries involved, Phillips Petroleum Co. and Sinclair Refining Co. are providing their own separate treatment. Other industries, including Procter & Gamble, General Motors, and Swift & Co., will be served by the municipal system.

7. Mississippi River, St. Louis metropolitan area, Missouri and Illinois: A conference was held March 4, 1958, at St. Louis, Mo., involving St. Louis, 22 other sewer districts in Missouri, and 23 communities, 17 industries, and an institution in Illinois. The conferees established a time schedule for remedial action. In November of 1962, St. Louis voted a \$95 million bond issue for the construction of treatment facilities and action has or is being taken to abate pollution from the Illinois sources. Some industries, including Shell Oil Co., Standard Oil Co., United Starch & Refining, and Sinclair Oil & Refining, now provide adequate treatment. Eight progress meetings have been held to coordinate pollution abatement programs in the area.

8. Animas River, Colo., and N. Mex.: The first session of the conference was held April 29, 1958, at Santa Fe, N. Mex., and a second session was held June 24, 1959, at Santa Fe. A mill of the Vanadium Corp. of America, abandoned mines, and the municipalities of Durango and Silverton, Colo., were involved. The conferees found pollution of the Animas River was caused by discharges of uranium milling wastes and toxic chemicals from the Vanadium Corp. of America at Durango, Colo.

The Vanadium Corp. complied with the conference schedule by January 1960 by construction of necessary facilities and treatment is satisfactory. The Public Health Service made additional recommendations which were followed by the corporation and surveillance is continuing. The river has now been incorporated in the Colorado River Basin project.

9. Missouri River, Sioux City area, South Dakota, Iowa, Nebraska, Missouri, and Kansas: A conference was held July 24, 1958, at Sioux City, Iowa. Sewage and industrial wastes from sources in South Dakota, Nebraska, and Iowa caused pollution of the Missouri River so as to endanger the health and welfare of persons in States other than that in which the discharges originated. Major source of the pollution was Sioux City and its associated industries, notably meatpacking plants. A schedule of necessary remedial measures was established by the conferees.

Failure to abide by the schedule necessitated the calling of a public hearing by the Secretary of Health, Education, and Welfare on Sioux City and 10 industries, March 23-27, 1959. Sioux City, the major source of pollution, has now completed its sewage treatment plant at a cost of \$2.3 million. Most of the major interceptor sewers have been completed. Industries named in the hearing proceedings, including Swift & Co., Armour & Co., and other meatpacking plants, will connect to the municipal system.

10. Lower Columbia River, Wash. and Oreg.: The conference was held on September 10-11, 1958, and followed by a second session September 3-4, 1959. Waste discharges from Portland, Oreg., Vancouver, Wash., 47 other communities, and 21 industries, among them Crown Zellerbach Corp., Weyerhaeuser Timber Co., and other pulp and paper companies, were involved.

A remedial time schedule for pollution abatement was recommended by the conferees. In Portland, Oreg., the voters approved financing for treatment facilities on November 8, 1960. All Washington municipalities and industries, including some of the Nation's largest pulp and paper companies, are reported in compliance by the State with the exception of Vancouver and Cathlamet

where construction is expected shortly. Oregon reports all municipalities and industries now provide year-round chlorination of sewage effluents discharged directly to the Lower Columbia River.

11. Bear River, Idaho, Wyo., and Utah: The first session of the conference was held on October 8, 1958, followed by a second session July 19, 1960. Major sources of pollution were wastes from 14 sugar-, meat-, and milk-processing industries in Idaho and Utah. Five municipalities are also involved.

After the second session of the conference, the Surgeon General recommended a time schedule for remedial action. Some municipalities in Idaho have completed treatment facilities in compliance with conference recommendations. The sugar and milk industries in these States have made great strides in meeting their waste treatment needs.

12. Colorado River and all its tributaries, Colorado, Utah, Arizona, Nevada, California, New Mexico, and Wyoming: There have been five sessions of the conference on the Colorado River to date: the first on January 13, 1960; the second May 11, 1961; the third May 9-10, 1962; the fourth May 27, 1963; and the fifth on May 26, 1964. At the first session the conferees decided that further investigation and study was needed to define the type of interstate pollution problems which may exist in the interstate waters of the Colorado River and its tributaries. At the second session the conferees agreed on matters which should receive the greatest attention in the studies of the river. At the third session, the status of the investigations and studies and progress in technical aspects of the studies of the river were reported, as well as progress in pollution abatement on the Animas River, a tributary of the Colorado. At the fourth session the conferees agreed that salinity of water was the major problem demanding attention.

Radioactive wastes have been so reduced that the radium content of the waters of the Colorado and its tributaries does not exceed 1 micromicrocurie to 1 or about one-third the amount allowed in the PHS drinking water standards.

Field studies and investigations are being conducted currently to determine the extent of pollution by cities, industries, and irrigation projects. The expected date of the completion of these comprehensive studies is 1966.

It is estimated that waste discharges from 274 municipalities and 83 industries are involved.

13. North Fork of the Holston River, Tenn. and Va.: The first session of the conference was held September 28, 1960, with a second session being held June 19, 1962, involving discharges from the Olin-Mathieson chemical plant at Saltville, Va. Calcium and sodium chlorides in these wastes are a major source of pollution. The extent of deterioration of water quality and interferences with water uses was not agreed upon at the first session of the conference; however, it was agreed that interstate pollution subject to abatement under the Federal Water Pollution Control Act was occurring. Olin-Mathieson has increased the size of its impounding reservoir. This will not provide a permanent solution to the pollution problem but will remove peaks in chloride discharges enabling downstream users to make necessary adjustments.

14. Raritan Bay, N.Y.: The first session of a conference was held August 22, 1961, at New York, N.Y., and the second session was held on May 9, 1963, also in New York City. Discharges of untreated an inadequately treated sewage and industrial wastes by municipalities and industries in New Jersey and New York pollute the interstate waters of the Raritan Bay so as to endanger the health and welfare of persons in these two States.

The conferees at the first session found that scientific data taking into account a wide range of factors and technological problems, including health, conservation, water policy and uses, and industrial processes were urgently needed, and are the critical issue in further control of pollution of these waters. They agreed at the second session to the continuation of on-going studies being made to determine the extent and the effects of the pollution and to furnish a basis for recommendation of remedial measures. This area includes one of the largest industrial and municipal complexes in the country.

15. North Platte River, Nebr. and Wyo.: Two sessions of the conference were held, the first September 12, 1961, and the second March 21, 1962. A third session was held on November 20, 1963. Thirteen municipalities and fourteen industries are involved. Discharges of industrial and municipal wastes in Wyoming below Torrington, with wastes discharged from the sugarbeet-processing companies a major source, pollute this stretch of the river.

In general, the sugarbeet industry in these two States has made great strides in treating their industrial wastes. The sugarbeet mill at Torrington has installed remedial facilities. Industrial wastes from Mitchell, Gering, Scottsbluff, and Bayard, Nebr., and municipal wastes from numerous cities in Nebraska require waste treatment facilities. A time schedule has been established for construction of facilities by municipalities in that State; and construction is taking place.

16. Puget Sound, Upper Columbia River, Wash.: At the request of the Governor of the State of Washington, a conference was held on January 16-17, 1962, at Olympia, Wash., on pollution of the Puget Sound, the Strait of Juan de Fuca, and all navigable estuarine waters and navigable streams. A second session on the Upper Columbia River, and navigable tributaries in Washington will be held at a later date.

The discharges causing and contributing to pollution in these waters come from various industrial and municipal sources, notably from the pulp and paper industry. Industries involved include Scott Paper Co., Rayonier, Inc., Weyerhaeuser Timber Co., Fibreboard Products, Inc., and Puget Sound Pulp & Timber Co.

The industries named at the conference as sources of industrial pollution were required by the conferees to control their waste discharges at least to the extent specified in the temporary permits issued to them by the Washington Pollution Control Commission. A time schedule for remedial action by these industries was established by the conferees requiring completed and approved engineering plans and specifications by January 1963.

The conferees recommended further that representatives of both the State of Washington and the U.S. Department of Health, Education, and Welfare develop a joint program to carry out such investigations and studies of the river as are required. Comparative studies are now being made on various aspects of pollution problems in this area—oceanographic, biological, chemical and economic.

17. Mississippi River, Clinton, Iowa area, Illinois and Iowa: A conference was held at Clinton, Iowa, on March 8, 1962. Discharges causing and contributing to pollution from industrial and municipal sources in Iowa caused interferences with uses of the river for public and industrial water supplies, commercial and sport fishing, recreational purposes, and the esthetic enjoyment of the river.

Among the industries involved are Pillsbury Co., Dairypak Co., Swift & Co., and Clinton Corn Processing Co. The conferees recommended a time schedule for remedial action on the entire reach of the river involved. The cities of Clinton and Comanche, Iowa, along with industry, are taking action to meet this time schedule.

18. Detroit River, Mich.: The Governor of the State of Michigan requested on December 6, 1961, that the Secretary of the Department of Health, Education, and Welfare call a conference on the navigable waters of the Detroit River and its tributaries within the State of Michigan. The conference was held March 27-28, 1962, involving a considerable number of communities and industries. Some of the industries involved include Chrysler Corp., Mobil Oil, Monsanto Chemical, Firestone, and innumerable others.

The conferees agreed that an investigation and study of the river is necessary in order to determine sources of pollution, nature of pollution and the effects thereof, appropriate methods of abatement, and appropriate methods to avoid delays in abatement. This investigation and study established subsequent to the conference has been completed. The conference will be reconvened at the call of the chairman with the concurrence of the Michigan Water Resources Commission to consider the results obtained from the investigation and study, and to agree on action to be taken to abate pollution.

19. Androscoggin River, N.H. and Maine: The first session of the conference was held September 24, 1962, at Portland, Maine, and continued on February 5, 1963. Reports, surveys, and studies indicated that pollution from industrial and municipal sources is occurring in the interstate waters of the Androscoggin River. This pollution makes the river unsuitable and unsafe for most legitimate water uses.

At the conference, representatives from the States of New Hampshire, Maine, and the New England Interstate Pollution Control Commission refused to serve as conferees, but in the second session participated in the conference discussion from seats in the audience.

20. Escambia River, Ala. and Fla.: Wastes from communities and industries were involved in proceedings at this conference which was held on October 24, 1962. The conferees found that pollution of interstate waters subject to abatement under the Federal Water Pollution Control Act was not occurring in the Escambia River at that time. Although the municipalities of Brewton, East Brewton, and Flomaton in Alabama were not providing treatment for their wastes, it was not demonstrated that their discharges had any interstate effect. Two of these communities now have active programs for the construction of treatment facilities. The industries on the river in Alabama have taken measures to avoid water pollution.

21. Coosa River, Ala. and Ga.: At this conference held August 27, 1963, in Rome, Ga., the pollutional effects of waste discharges of three municipalities and more than 11 industries were considered. A schedule for remedial action has been established.

22. Pearl River, La. and Miss.: A conference was held October 22, 1963, in New Orleans, La., involving at least two municipalities and two major industries. A time schedule for remedial action has been established.

23. South Platte River, Colo.: The Governor of Colorado on July 18, 1963, requested that the Secretary of Health, Education, and Welfare take further action under section 8 of the act on the intrastate navigable waters of the South Platte River Basin. Accordingly a conference was held on October 29, 1963, in Denver, Colo., principally involving waste discharges from the Denver metropolitan area, 13 other municipalities, 10 Great Western Sugar processing plants, the Packaging Corp. of America, and numerous mining and oil extracting and processing industries. At the conference it was agreed that Metropolitan Denver Sewage Disposal District No. 1 will collect and provide secondary treatment for all wastes within its district, to be in operation by 1966. Commensurate schedules will be adopted for other communities and industries which have not joined the Metropolitan Denver Sewage Disposal District. The conferees further agreed that the U.S. Department of Health, Education, and Welfare in cooperation with the Colorado State Department of Public Health will initiate a joint investigation and study to determine the nature and extent of pollution in the South Platte River Basin. This investigation is in progress.

24. Menominee River, Mich. and Wis.: A conference was held November 6-8, 1963, at Menominee, Mich., to consider pollutional effects of municipal and industrial waste discharges from both States. At least 7 industries—among them Kimberly-Clark Corp., Scott Paper Co., and Marathon Division of the American Can Co.—and 11 municipalities are involved. A remedial schedule for pollution abatement was established.

25. Connecticut River, Mass. and Conn.: The conference was held December 2, 1963, at Hartford, Conn. Principal sources of pollution were waste discharges from at least 26 municipalities and 20 industries. A remedial schedule was established by the conferees.

26. Monongahela River, W. Va., Pa., and Md.: The conference was held December 17-18, 1963, at Pittsburgh Pa. Involved at the conference were more than 94 municipalities and 93 industries. One of the principal sources of pollution is coal mine drainage. The State of Pennsylvania has a program to abate pollution from municipal and industrial sources by the end of 1966. Commensurate programs have been developed by West Virginia and Maryland. As recommended by the conferees a technical committee consisting of representatives of West Virginia, Pennsylvania, Maryland, the Ohio River Valley Water Sanitation Committee, and the Federal Government has been established to explore the means of abating pollution caused by coal mine drainage.

27. Snake River, Lewiston-Clarkston area, Idaho and Wash.: The conference was held January 15, 1964, at Lewiston, Idaho. Principal sources of pollution were waste discharges from three municipalities and four industries. The conferees recommended that a joint cooperative study of bacterial pollution in the Snake River be made by the Department of Health, Education, and Welfare, and the Washington and Idaho water pollution control agencies during the summer of 1964.

28. Upper Mississippi River, Minn. and Wis.: The conference was held on February 7-8, 1964, at St. Paul, Minn. Involved at the conference were more than 25 municipalities and 43 industries, and 3 Federal installations. As recommended by the conferees, the Department of Health, Education, and Welfare, in conjunction with the water pollution control agencies of Wisconsin and

Minnesota, has begun an intensive survey of the Mississippi River. The study project includes, but is not limited to, investigation of municipal, industrial, and Federal installation wastes, thermal sources of pollution, agricultural sources of pollution, bulk storage areas, pipelines, barges, coliform bacteria, biochemical oxygen demand, suspended solids, sludge deposits, oil, algae, tastes and odors, pesticides, and with the cooperation of the Corps of Engineers, low-flow augmentation. At the completion of the study and report of its findings, the conference will be reconvened at the call of the conference chairman to determine necessary action.

29. Merrimack-Nashua Rivers, N.H. and Mass.: The conference was held on February 11, 1964, at Boston, Mass. Principal sources of pollution were waste discharges from at least 44 municipalities, 57 industries, and 2 Federal installations. A remedial schedule has been established.

30. Lower Mississippi River, Ark. Tenn., and La.: A conference was held May 5-6, 1964, at New Orleans, La. Discharges from at least 28 municipalities and 62 industries are involved. An investigation is underway to identify all sources of pollution affecting the main stem of the Lower Mississippi River.

31. Blackstone and Ten Mile Rivers, Mass. and R.I.: A conference was held January 26, 1965, at Providence, R.I. Discharges from at least 14 municipalities and 37 industries contribute to the pollution in the area.

32. Mouth of the Savannah River, Ga. and S.C.: A conference was held on February 2, 1965, at Savannah, Ga. Principal sources of pollution were waste discharges from at least 15 municipalities and 27 industries.

33. Mahoning River, Ohio and Pa.: At this conference held February 16-18, 1965, at Youngstown, Ohio, the effects of waste discharges from more than 22 municipalities and 67 industries were considered.

34. Grand Calumet River, Little Calumet River, Calumet River, Lake Michigan, and Wolf Lake, Ind. and Ill.: A conference was held March 2-5, 1965, at Chicago, Ill. Discharges from at least 37 municipalities and 40 industries are involved.

Mr. CLARK. Would the gentleman yield?

Mr. DORN. Yes.

Mr. CLARK. Right this week, in the city of Youngstown, your department is having a public hearing. I want to compliment the Department once again for their energetic efforts on behalf of—

Mr. QUIGLEY. Thank you. On behalf of accuracy, however, I would point out that conference was not called at the request of the States; that was on the action of the Secretary.

Mr. CLARK. Yes, that is what I meant to bring out, this was on behalf of the gentleman's Department.

Mr. DORN. Mr. Secretary, do you know whether or not any Governors or the State pollution control boards or the heads of these State agencies requested or asked for legislation of this nature?

Mr. QUIGLEY. Of this nature, Mr. Dorn? I am not sure I understand.

Mr. DORN. I mean like the Blatnik, or S. 4, or—

Mr. QUIGLEY. I testified on S. 4 in the Senate. On the same day I testified, one of the witnesses was Governor Pat Brown, of California, who testified in favor of S. 4.

Now, at other times in the past, various Governors, representatives of State agencies, have testified for this kind of legislation.

Again, to be completely honest with you, there have been State agencies that have testified against it.

Mr. DORN. Thank you, Mr. Secretary.

Thank you, Mr. Chairman.

Mr. JONES. Mr. Chairman.

Mr. BLATNIK. Mr. Jones.

Mr. JONES. Mr. Secretary, will you go into the standards section a little bit more fully? I am afraid I do not follow.

Mr. QUIGLEY. Mr. Jones, the standards section, as we understand it, is designed to authorize our Departments to practice some preventive medicine.

The law as it is now written says in effect—not in effect, it says it flat out—that the Secretary can only call an enforcement conference when on the basis of reports, information, and studies, he has reason to believe that pollution of an interstate nature is occurring; that is, that the pollution is occurring in one State and the adverse effects are being felt downstream.

Mr. JONES. Mr. Secretary, that situation can vary from stream to stream from week to week. So you may have an entirely different situation 30 days later that you did not have 30 days before.

Mr. QUIGLEY. Right.

Mr. JONES. And 30 days thereafter, there might be a new infection of the stream.

Mr. QUIGLEY. Right.

Mr. JONES. You are not suggesting we have some universal application of standards?

Mr. QUIGLEY. No; definitely not. I would want that clear on the record.

But the point I am making is the present enforcement authority vested in the Secretary, whether to be exercised on his own prerogative or in response to a request from the State, is after the fact. Pollution must exist before the enforcement authority of the Water Pollution Control Act, as it is now written, can become operative.

What is proposed under the standards section is that we would go ahead in those streams which are not now polluted. We would set standards to protect the quality of those streams. Thereafter, before the horse was stolen, when steps were about to be taken, we could—

Mr. JONES. What procedures would you employ to obtain the necessary information to arrive at a standards section that would be applied to a given stream?

Mr. QUIGLEY. Well, the bills provide for the calling of public hearings by the Secretary. There would be opportunity for the State agencies that would be affected to be represented, opportunities for the conservationists, the fishermen, wildlife people, the industrialists, the municipalities, all to come in and be heard. And on the basis of this evidence, the Secretary would then promulgate standards for a given stream. This would have to be done on a river-by-river basis; in some instances it could be done on a river basin.

The standards that the Secretary would set would not necessarily be uniform for the entire river. As a matter of fact, they probably would not. But then, once these standards were set, the violation of these standards would be a basis for the enforcement authority of the act to become operative, so that we could lock the barn before the horse is stolen and not be forever chasing after the problem after it has gotten so bad that the Secretary has had to call a conference.

Mr. JONES. Mr. Secretary, the Committee of Government Operations has been holding hearings on the pollution problem. In 1963, we found there were 1,003 instances that the Federal Government, through its agencies and activities, was the polluter. What is being done to arrest that situation?

Mr. QUIGLEY. Mr. Jones, there is a lot of activity and there has been a lot of activity, both before—but let's be honest with you—a great deal more since the Jones committee held its hearings and highlighted this problem.

I would not be honest with you, however, if I would try to leave the impression that that activity has been completely successful. To this end, legislation is now being sponsored, the Federal section has been taken out of the bills before this committee now, and legislation has been advanced—and there are going to be hearings on it in the other body—to see if we cannot pinpoint—focus attention on this problem.

The basic problem here, as I am sure the gentleman from Alabama knows, is that a warden at a prison, a commanding officer at a Naval base or Air Force base, will recognize that he has a pollution problem and in the interests of being a good citizen, in the interests of good community relations in the area where his Federal operation is located, he would like to do something about it. He requests funds.

Now, in the budgetary process, working its way through the Pentagon or the Department, Bureau of the Budget, and eventually through the Appropriations Committees of the Congress, the budget gets cut. This does happen. And when they get cut, I cannot be critical of a warden if he decides that if he is going to get so much less than he asked for and he has to economize someplace, he decides that, "Well, we will forget about the sewage treatment facility because I have got to have those additional security guards." This is the kind of decision that keeps going on and on and on.

I think we must be ingenious and clever enough to maybe have a separate appropriation for water pollution and air pollution control for Federal installations where these would be line items, where they would come to the attention of a particular appropriation subcommittee that would concern itself with that.

Mr. JONES. I do not think it is very becoming of us to ask for measures in this bill while we are dumping it in from almost every Federal agency. Let's clean up our own mess.

Mr. QUIGLEY. "Not very becoming" is probably about as kind a way as you could describe the situation. It is ridiculous.

Mr. BALDWIN. Will the gentleman yield?

Mr. JONES. Yes.

Mr. BALDWIN. The Secretary was here yesterday during the colloquy we had with the Secretary of the Interior on the San Luis drain. This is just as prime example of the threat from a pollution standpoint of Federal agencies which is happening now in the San Francisco Bay and members of your staff are familiar with this problem.

A bureau of the Department of the Interior has been announcing that it intends to construct an interceptor drain from the San Luis reclamation project that will have waste alkaline water, pesticides, and residues from chemical fertilizers that will run for about 150 miles from the service area of the San Luis reclamation project, and then the Bureau of Reclamation has announced it is going to dump it at the Antioch Bridge in the San Joaquin River above the fresh water intake for the city of Antioch, Calif., and Contra Costa County Water District, which serves fresh water to about 200,000 or 250,000 people.

Now, this is the rankest violation of any announcement of the Fed-

eral Government, as to the control of pollution, that I can possibly conceive of.

The local office in San Francisco of the Public Health Service has been very helpful in this problem. They have made a brief preliminary study and they have announced that under no circumstances should this drain terminate with pesticides and chemical residues and what not above fresh water intake points for 200,000 people, particularly when the service area is only serving about 1,500 irrigators.

Bureau of Reclamation, up to now, has persisted in one consistent course of action: they say they are going to construct a drain.

The Bureau of Reclamation this year requested funds to construct this drain at the same time the Public Health Service requested \$300,000 to make a study of the delta to determine how pollution of the delta could be prevented.

Thanks to somebody higher up, either the Secretary of the Interior or the Budget Bureau, or the President, the funds for the Bureau of Reclamation to construct the drain were stricken out and the funds for the Public Health Service to make the study as to how the delta could be prevented from being polluted were included. Therefore, so far in the budget the move is in the right direction.

But the Bureau of Reclamation took the position they wanted to construct the drain first and then put in a monitoring system, and then if we proved the river to be polluted, they would consider moving it. But they admitted it would take at least 3 years to get the funds to move it. In the meantime, they would be polluting the water drunk by 200,000 or 250,000 people.

This is in direct contradiction of the announced intention of the administration. I cannot see how the Bureau can even be allowed to make public statements in support of it.

I want to commend the Secretary for your Public Health Service office in San Francisco and their public statements as to the danger of this problem, and in their public statements that this should not occur until a study could be made.

I trust that the Secretary will take the same position as the Public Health Service in San Francisco, that the study should be completed before any drain of this kind is constructed.

Mr. QUIGLEY. Mr. Baldwin, I think in the interest of accuracy, I would like to say what my understanding of the preliminary study, the recommendation, the conclusions we came to—and I am not ready to agree with you that we said under no circumstances should the termination of the San Luis drain be at the Antioch Bridge terminal point.

I think we indicated clearly that terminating it at that point presented us with some potentially great pollution problems. But I do not think we have said at any time in any of our preliminary studies that under no circumstances should the Antioch Bridge termination point be ruled out.

If we did say that, I think we would be prejudging the problem.

Mr. BALDWIN. Will the Secretary agree, however, that the purpose of the \$300,000, which your Department has requested, that is in the budget, to make a study of the delta, that that study should be made and completed before a final decision is made as to where such a drain should be terminated?

Mr. QUIGLEY. Before a final decision as to where the termination of that drain should be, I think; yes. But I would not want this to be interpreted that it is the position of our Department or the Public Health Service that all activity and all construction activity in connection with this project should come to a screeching halt while we make this study. I think we have got to move forward in an orderly fashion.

I hope, on the basis of an 18-month study, or less, if possible, we can come up with some definitive definitions of the problems, come up with some constructive, positive solution. But I cannot guarantee that.

What I am saying is I think we have a problem here, but I do not think the problem is such that everybody just has to stop doing everything.

I think Secretary Udall made this clear yesterday, we ought not to go lickety-split ahead on this thing without knowing where we are going and what we are doing. But, on the other hand, I do not think we have to just—everybody stand and mark time for a year and a half while we make a study. I think there is an area of accommodation here and I hope that we can get the best of both possible worlds by working together, as we have been.

Mr. BALDWIN. On that point, the people involved that are drinking the fresh water that would be risked here have never taken the position that the rest of the San Luis project should be blocked in the meantime. In fact, there is about \$81 million in the budget for other phases of the San Luis project. They have simply taken the position that during the 18-month period in which your Department estimates your study could be completed, that some local interim solution could be made as far as drainage goes; maybe a couple of evaporation ponds. Because the drainage during the first 18 months would not be too great. But some temporary interim solution could be arrived at, with the rest of the project constructed.

We do not object to the construction of the rest of the project in the meantime, but only that the drain, the interceptor drain, be deferred until this study is completed, so that the benefits of those studies would be available before a determination is made as to where the drain should be terminated.

Mr. QUIGLEY. Here again, Mr. Baldwin, I want to make sure that we are saying the same thing.

As I understand the situation, the final decision as to the termination point of the drain should not be made until the study is completed. I do not think this implies that no action can be taken or should be taken on the construction of that drain until that decision is made.

Now, maybe we are saying the same thing. But I want to make sure. I do not think that our department should put itself in the position that we are holding up forward moving on a project of another department, in another agency of the Government, because we have some doubts and some serious concerns, which we do.

Now, I think we can do the best we can to resolve our doubts and concerns and come up with the proposed solutions, and at the same time not force that other department and that other agency to bring its projects to a screeching halt. I do not want to see this happen.

Mr. BALDWIN. Let me ask you a further question. Since the Budget Bureau or the Secretary of the Interior have dropped the funds out for the construction of the drain, you certainly are not advocating that the funds be put back in the budget when the Budget Bureau and the administration have taken funds out for construction of the drain? You certainly are not advocating putting funds back in the budget this year?

Mr. QUIGLEY. I do not think that is our proper prerogative, though I must admit I was delighted to have the Secretary of the Interior in here yesterday testifying on behalf of this bill and this program for our department.

I think what we are concerned about is that the money we have requested in our budget to make this study be included so that we can move ahead here with the greatest dispatch possible and make our contribution, which we hope will be a positive and constructive one, to solving what is admittedly a difficult problem and a potentially great pollution problem.

Mr. BALDWIN. I want to yield, if I may, to the gentleman from California, Mr. Clausen.

Mr. CLAUSEN. Yes. As you know, Mr. Baldwin and I—

Mr. BLATNIK. The gentleman from Alabama has the floor.

Mr. BALDWIN. If I could ask, this is on the same subject.

Mr. BLATNIK. Mr. Clausen.

Mr. CLAUSEN. As you know, Mr. Baldwin and I have districts which are immediately contiguous to San Francisco Bay. As a result, we have had much in the way of correspondence from our constituents.

Following up on his comment, what assurances can we have for our constituency as to your current plans or future plans as far as resolving this particular problem is concerned? What can we give these people in the way of an assurance that this question of pollution to the bay is going to be resolved?

Mr. QUIGLEY. Well, I think the best answer I can give you, Mr. Clausen, on that is this: We have asked for the money and the manpower that we think we need to bring this problem into sharp focus, that needs to be brought in as quickly as possible, and I trust come up with a reasonable workable solution.

I think the answer to the question that you put to me was given to you yesterday by Secretary Udall that the Federal Government cannot be a polluter, a notorious polluter; that the Federal Government has to set a good example for industries and States and municipalities. I think we just have to do what is required of us to make sure that we are that good citizen and good neighbor.

Mr. CLAUSEN. I would certainly hope so, because I do not think we are going to be in the position of offering advice to others or drafting standards for others to follow if the Federal Government is the chief violator. I would hope you people would take the lead in seeing that the various agencies do resolve this problem.

Mr. QUIGLEY. We are doing our very best. It is a tough problem, but we are working on it.

Mr. SWEENEY. Mr. Chairman.

Mr. BLATNIK. The gentleman from Ohio, Mr. Sweeney.

Mr. SWEENEY. I, too, Mr. Secretary, want to express my appreciation to you and to your department for the help you have been in clarifying a few points for me and reservations that I have had about this bill.

As you know, I come from Lake Erie, sometimes referred to as the "Dead" or "Red Sea," I think probably one of the most polluted areas of America, with all due respect to the Potomac.

I think we have an acute health hazard on our hands out there and I am sure, with your experience here in the Congress, you will agree.

You have mentioned here this morning the need for some streamlining of the enforcement authority under the Water Pollution Control Act, and I am interested to find out whether or not the recommended enforcement authority in this bill satisfies your department that it can effectively work with the States and the local communities in combating not only potential pollution in the future but existent pollution?

Mr. QUIGLEY. Well, I think the enforcement authority, as it exists in the bill, is an effective, workable device with which we can work with the States and with municipalities to cope with present existing pollution problems.

Now, there are limitations in the present authority. The classic example would be the one that you have had a reference to.

The Secretary's authority to convene a conference on his own exists only when there is an interstate pollution situation. I think it is terribly important for the new members of this committee and for the general public to understand this.

This does not mean that his jurisdiction runs in all interstate streams or on all navigable waters. What you have to have is an interstate pollution situation where the pollution is occurring in one State and the adverse effects are being felt in another. So that if pollution is occurring in Akron and the adverse effects are occurring at Cleveland, the jurisdiction of the Secretary of HEW does not attach. This is not an interstate pollution situation.

If we could demonstrate that the pollution was occurring in Erie, on Lake Erie, Erie, Pa., and the adverse effects on the health and welfare were being felt in New York or in Ohio, then I think we could. But this is a very narrow, very technical approach to the problem.

We could only exercise our present jurisdiction under the act as it is now written in this kind of a case on the request of one of the States.

Mr. SWEENEY. Mr. Secretary, considering that Lake Erie extends across many States—New York, Pennsylvania, Ohio—and that there is a regional health hazard in existence by reason of the polluting of this lake, if we had on the initiative of the Governors of the three affected States an application to your Department, could we then, under the existing act, proceed in the courts to seek injunctive relief to prevent further polluting?

Mr. QUIGLEY. We could respond to such a suggested request, but we could not respond in the way you concluded your question. What our response would be, the Secretary would then convene a conference

of the affected States. The conference would concern itself with the problems.

Mr. SWEENEY. One other question, of all the conferences that have been had in the last 4 years, are you aware of any Federal injunction action that has ever been sponsored by HEW to enforce the Water Pollution Control Act against any offender?

Mr. QUIGLEY. Well, the answer to your question, as you put it, is that in the last 4 years that I have been identified with this program, there have been no instances where we sought injunctive relief. This does not mean that the enforcement conferences we have had have not been effective.

Mr. SWEENEY. I understand that.

Mr. QUIGLEY. What this means is the injunctive relief is not the approach provided for in the bill.

Mr. SWEENEY. There is reference you have here in the bill about court action. What type of court action would you consider that to be?

Mr. QUIGLEY. Well, the procedure is this, in the situation you suggest, where the three Governors of the Lake Erie area, or any one Governor would ask the Secretary to call a conference, he would convene the conference. The conferees, representatives of the States involved in any interstate agencies, would have jurisdiction, plus representatives of our own Department.

The conferees, as they have been doing in Youngstown, Ohio, this week on the Mahoning, would attempt to define the pollution problems of the area, attempt to come to an agreement as to what they are. They would attempt to come to a solution as to what the solution would be. They would submit those recommendations to the Secretary, which the Secretary would then adopt as his own.

If they could not come to an agreement, the Secretary would have to come to his own recommendations without agreement of the conferees.

Thereafter, under the act, the Secretary is required to give a 6-month period during which action is supposed to be taken, or at least begun, on the recommendations. **If at the end of that time no action is taken,** or no appreciable action is taken, the Secretary can then convene a hearing, and the hearing is a much more formalized administrative type hearing. It is not the informal procedure that the conference is. Hearing examiners are appointed. They include representatives of our Department, the Department of Commerce, the Department of the Interior, and the States. The hearing examiners take testimony, cross-examination, all that. They make certain findings of fact and certain conclusions as to what the problem is and what corrective action should be taken. They submit these to the Secretary, which he can adopt or revise.

Thereafter, if 6 months more go by and there is no movement or satisfactory movement, in the judgment of the Secretary, the act provides that he turn the matter at that point over to the Department of Justice, who takes the case into the local Federal district court.

Now, this is the procedure in the act.

Mr. SWEENEY. I wish again to express my appreciation to you for outlining the procedures and steps.

It would be conceivable that it would take years to get a completion of all the steps and get into court, to abate a pollution problem. Is that correct?

Mr. QUIGLEY. Conceivable and, frankly, in most cases likely.

Mr. SWEENEY. Well, Mr. Secretary, when you mentioned in your earlier testimony streamlining the procedures, did you have reference to these procedures?

Mr. QUIGLEY. Not at this time.

My thought of telescoping some of this activity would be when, and if we have a standards section in the law, which we do not yet have, but which is included as a part of this bill.

It seems to me that if we have hearings or if we set standards in the manner that would be determined by the Congress that we should, if we set standards in advance, if these are a matter of public knowledge, if everybody, every mayor, every city council, every industrialist knows, or should know, what they are all about, and these standards are then violated by the construction of something or other, I am not convinced in my own mind that it is necessary or even desirable to go through the long, slow process which I just outlined. Because I am afraid by the time we do it, the standards will have been so completely violated that the horse will be stolen.

So I am suggesting that in due course—and I hope it is not too long—we will be able to submit to this committee and the other committee in the other body, proposals, recommendations, ideas, that perhaps in this area the whole thing could be considerably streamlined from what it is now, on the record a slow, laborious process.

But let me say, it is not as bad as it sounds, because we are dealing with pollution after the fact. Even if you had a quick instant abatement process, as far as the legal procedure is concerned, you still have built into this corrective activity a tremendous leadtime, engineering, designing, bond issues, that have to be—there are perhaps many factors which prevent a city or a municipality or an industry from taking action just like that. We recognize that.

So that the process is not as cumbersome and as slow as I might have made it sound. But I am not so sure that if we get to the stage, which I hope will not be too far in the future, where we are trying to prevent bad situations from getting worse, that we will also have the necessary authority to act and to act with dispatch to prevent pollution before it occurs.

Mr. SWEENEY. Thank you very much.

Mr. SCHMIDHAUSER. Mr. Chairman?

Mr. BLATNIK. Mr. Schmidhauser, from Iowa.

Mr. SCHMIDHAUSER. Thank you very much.

I must say, Mr. Quigley, that I have appreciated your previous remarks, but there is nothing that you have said to this point that has been more impressive to me than these concluding remarks that you have just made.

Frankly, I look with great approval on the improvement of the system of water pollution control that has been incorporated in this suggested bill. But I am equally aware of the fact that we have been losing the battle in the Nation, and most certainly in the Mississippi Valley. Unlike my distinguished colleague from Ohio, we do not have dead rivers in our region, but we are reaching the stage where there is an increasing concern about developments there, and I would applaud

the suggestion and the determination that you have shown to come up with a program that will permit us to work with dispatch to take preventive measures and to permit us to actually roll back the advance of pollution, and restore the areas of natural beauty that we have lost in the many parts of the country, and to prevent the loss in the regions that have not been subject to intensive pollution so far.

So again, in conclusion, I am particularly appreciative of your last remarks.

Mr. QUIGLEY. Thank you, sir.

Mr. WRIGHT. Mr. Chairman?

Mr. BLATNIK. Mr. Wright.

Mr. WRIGHT. Something was said by the witness in answer to a question from Mr. Sweeney which I did not fully understand. This has given me some concern.

Mr. Secretary, did I rightly understand you to say that at a later date you anticipate coming before the Congress for new legislation, or anticipate promulgating new procedures, whereby you could circumvent this proposed conference and go into some sort of an enforcement procedure short of the conference?

Mr. QUIGLEY. Mr. Wright, in answer to your question, in my opening statement I made reference to the President's statement in the state of the Union message, and in his message on natural beauty, that we must devise ways and means to prevent pollution before it happens.

I think, as the colloquy has indicated, we must. The administration that it trying to carry out this directive that the President expressed. We are currently working on trying to think through ways and means by which pollution could be prevented before it happens. Basic to any such preventive medicine is the standards section embodied in the bill now before this committee.

What I am suggesting, without spelling out the details, is that if we have the standards section enacted into law, and we attempt to implement it, there should be, maybe there must be—a considerable streamlining of the process in dealing with the standards section, which is not provided for in the regular enforcement action.

In other words, what I am suggesting is that we should be able to move much more rapidly under the standard preventive section than we are now able to move under the after-the-fact enforcement action.

Mr. EDMONDSON. Would the gentleman yield?

Mr. SCHMIDHAUSER. I will be glad to yield.

Mr. EDMONDSON. Would the Secretary illustrate with an example or two the type of standard that could be made a part of the law insofar as pollution is concerned, that could be established without having any conference or any type of preliminary consultation? Can you give us an illustration?

Mr. QUIGLEY. No; I don't think that, Mr. Edmondson, as you have put that question, this is possible. Obviously, if we are going to come up with sound and reasonable and meaningful standards, we cannot just reach up in the air and grab them, or for me to say to somebody, Write up a set of standards for the Delaware River or the Susquehanna River; this cannot and should not be done, obviously.

We have to consult, we should consult, we will consult municipalities, industries involved, the conservationists, the State governments.

And I am not too sure that such consultations necessarily have to be in the form of extensive public hearing. Maybe it has to be.

I think this is something this committee has to think about, should think about, and resolve. I am suggesting that as part of your deliberations maybe you want to think about this. But clearly we cannot just pick these out of the blue. We have to make them on the basis of all of the realities, and I do not think—we might be lucky and guess what the realities are, but surely the sane, reasonable approach would be to consult with, meet with the people who know the river.

This could be done and it may be it would be done more effectively in a series of consultations and meetings with representatives of our Department, sitting down, like you would at a bargaining table, for days on end and working something out, rather than going through the more cumbersome process of extensive hearings, transcripts, where a lot of people are talking for the record, but in the end you are going to have to get down to cases and work something out.

Mr. EDMONDSON. You infer this is really getting right at the meat of the coconut with regard to the establishment of standards which you have said yourself should be subject to the review under the Administrative Procedure Acts, because I think the preservation of a record, the presence of a transcript, the evidence of the steps that have preceded the establishment of the standard, all will be pretty fundamental, if you are going to have a meaningful review under the Administrative Procedure Act.

That is why I was trying to get at whether you are really talking in terms of having standards established independent of a period of exploration and a period of consultation that did not make available a record for review. I can see the desirability, from your standpoint, of trying to take shortcuts and eliminate wasteful time-consuming procedures, but I think if you are going to have a meaningful court review under the Administrative Procedure Act, you are going to have to have some record in advance of the announcement of what the standards are going to be.

Mr. QUIGLEY. Mr. Edmondson, could I comment on that? If this Congress passes a law, and it is tested in court, the important record in most instances is the record that is made in that court proceeding, not the congressional debate on the bill. Now, I recognize that courts in deciding cases do make occasional reference, and should, to the legislative history, but I submit that in the normal process of administering laws in this country, the record that is made in that particular proceeding is far more important as a general proposition than an extensive research of the legislative history.

I am not stating legislative history is unimportant, but I think the courts tend to refer to it only when the meaning of the law itself is not clear. Then they will turn to the legislative record, and if the standards we set were not clear, if there was a dispute about them, I grant you that turning to the record of the hearings you are talking about would be helpful to the judge, but keep in mind that the important thing so far as the standards are concerned, is their application.

It can be the best or the worst standard in the world, but it is not going to be very meaningful until it is applied, and in the application clearly the person who feels he has been adversely affected by that, should have recourse.

Mr. EDMONDSON. But you are going to be concerned, as an administrator, or whoever administers the bill, not only with the clarity of the standard, but also with the reasonableness of the standard. So in any determination of the reasonableness of the standard, the step by which the standard is reached will have, I think, considerable importance in any court review.

Mr. QUIGLEY. I do not agree with you, sir, and I may never be a judge, but if I have to pass final judgment as to what is reasonable, it is going to be on the basis of applying that standard to a particular situation, and the impact it is going to have on the individuals involved.

The fact of the matter, that this may be the most carefully considered and the most extensively reviewed standard in the world, if I were the judge, I would still conclude that it was unreasonable under the circumstances in the case before me.

I am not saying that if the decision is to go this way we will be any the worse off. What I am suggesting here is that I think there is an urgency—I think it is reflected in the action of this committee; I think it is reflected in the President's message, and I think it is reflected in so many ways. I don't want the standards section, if it is to become law in the next few weeks, to prove to be a snare and a delusion. I would like, if it is the wisdom of this Congress to pass this bill with the standards section in it, this time next year if there should be a few rivers in this country on which the Secretary of the Department of Health has set standards, I do not want to have to come back to this committee—if I should have responsibility for these programs—and say in answer to a question from the chairman or any other member, we are having hearings, but they have been going on now for 4 months and everybody and his brother wants to come in and testify, and we feel that we have to hear from everybody.

I think there comes a time when applying the rules of the House in contrast to the rules of the Senate, I think there is just going to have to be some limitation on the debate, and the decisions are going to have to be made.

Mr. EDMONDSON. I do not think you will find anybody quarreling with you on that, on reasonable limitations, but I think there could be very considerable quarreling if public hearings were eliminated and this should become a star chamber proceeding to establish standards.

Mr. QUIGLEY. It certainly should not be a star chamber proceeding, but I would point out, Mr. Edmondson, in the final analysis, these standards are and should and must be subject to complete review by the courts.

Mr. EDMONDSON. Your best safeguard to get them upheld in the courts will be if you have a record which includes a written record and includes evidence there were public hearings on them, in my judgment, anyway, in the trial courts of the country.

Mr. QUIGLEY. Mr. Edmondson, no matter how cautious and careful we are in our procedures, if we come up with a standard that is not right, I am more interested that we be overruled than we be upheld.

Mr. BLATNIK. Mr. Wright still has the floor.

Mr. Clausen, however, has to leave.

Mr. WRIGHT. I will be glad to yield to Mr. Clausen.

MR. CLAUSEN. Mr. Secretary, I have to attend another meeting, so there are a few questions I would like to have clarified before I must go.

Again, relating to the standards and the enforcement of these standards, I have a number of coastal streams that you have been reading about in the newspapers in the flooded sections of California.

These streams originate in the hill country and of course have their mouths within the confines of the State of California.

Could you give me your own interpretation of whether the bill would apply to my district under the so-called navigable waters concept, and whether this would qualify under interstate or intrastate?

MR. QUIGLEY. I'm not so sure I know your district as well as I should, but I think as a general proposition—you are involved with coastal waters—we are going to be concerned in setting standards on interstate streams.

MR. CLAUSEN. Standards apply to interstate waters. Would these be considered to be enforceable under the bill?

MR. QUIGLEY. Not as the bill now stands.

MR. BALDWIN. Would the gentleman yield?

MR. CLAUSEN. Yes.

MR. BALDWIN. Is this true under either the Senate bill S. 4 or H.R. 3988?

MR. QUIGLEY. That is correct.

MR. WRIGHT. Mr. Chairman, I simply want to discuss this quickly with the Secretary, if I may. I hope we will not get into too many nuances of legal action and one thing and another.

You are aware, are you not, that this is one of the most sensitive sections of the bill? I am sure you have read the testimony of the various witnesses on the part of the States last year when this committee was considering similar legislation. It was this section to which most of them addressed their remarks. It was this fear of the specter of arbitrarily arrived at Federal standards and the arbitrary imposition of those standards without adequate opportunities for the States to work out mutually agreeable arrangements with some of the people with whom they had been working in their respective States that caused whatever concern and apprehension existed about the bill.

I fully agree with the gentleman, and I suppose every member of this committee does, that this is an urgent problem; this is a crucial matter that requires as rapid attention as possible, but the gentleman does recognize, does he not, that it is considerably different from most legal situations?

For example, if a man is driving 50 miles an hour in a 30-mile-per-hour speed zone, here is a matter of fact that is quickly and clearly ascertained from the testimony. His driver's license may be taken away from him.

On the other hand, if a municipality, a subdivision of local government, should be polluting a stream, you will need to have the cooperation of that subdivision because you cannot just simply issue a cease-and-desist order and say, "Do not pour the effluent from the treatment plant into the stream anymore, because that is the only place it can go, gravity being such as it is."

All I am trying to say to the Secretary is that for the effective operation of this act we are going to have to have the willing and voluntary

and wholehearted cooperation of these States, and whatever we can do to allay any fears that they might have regarding the arbitrary imposition of standards, short of adequate hearings, should be done.

Mr. QUIGLEY. I agree thoroughly with the gentleman from Texas. The only point I made, and really want to make and leave with the committee to consider in executive session, is to make certain that the possibility of arbitrary action on the part of our Department and the Administrator will be reduced to the absolute minimum, and in those instances where it might occur, that it be subject to judicial review.

These are your purposes, these are my purposes. All I am suggesting is you take a hard look at the standards section, particularly the procedural provisions of the standards section, and come to a judgment as to whether or not in the interest of achieving these highly desirable, absolutely essential objectives, we do not encumber the rule making procedure as distinguished from the rule application procedure, that we do not encumber it so much that this thing, instead of being the effective new approach to water pollution control, water pollution prevention, just degenerates into a long legalistic donnybrook in which we would be tied up and ensnared in legalisms and technical records ad infinitum. And in the meantime, the unpolluted waters of the country would get in a sad state and sad plight which too many of our rivers are in already.

This is the only point I wish to leave with the committee. I think we are agreed on our objectives. I am just submitting that the committee might take a real hard look, and I hope it will and reach its own conclusion, as to the procedures that should be followed. I think there is no doubt that we are in full accord on our main objectives.

Mr. BLATNIK. Thank you.

Mr. Dorn?

Mr. DORN. The gentleman from Ohio I think yesterday touched on this point, Mr. Secretary, and both of the gentlemen from California this morning, but in my mind there is still needed a little bit of clarification about how you are going to compel other departments of the Federal Government, for instance the Department of the Interior or the Department of Defense, which might be discharging effluent into a stream, just how you are going to apply your standards and also your subpoena section of this bill, to the other agencies of the Federal Government.

It so happens I know of an area on an interstate stream, one of the largest in the United States, where the Department of the Interior is charged with more or less governing the sale of power from this huge Government reservoir which necessitates an irregular flow of the river below the dam.

This is a great pollution problem because on some days you have no water flowing down the river—and it is a huge river—and then on other days you have a flood and several people have been drowned. This constitutes the most serious pollution problem in my district.

Also the discharge of water from this huge Government reservoir is from quite a depth in the lake, and therefore the oxygen content is very limited as it is discharged downstream, and the absorption capacity of this water is much less than would be normally flowing down the river were it not for the operation of the Department of Interior.

I am not critical of that, but I am only presenting the picture. From what I understand, this bill would give you the power to arrest some

poor fellow—it mentions here contumacy, whatever that means—you can go to the Attorney General and have him charge this poor fellow with reference to some standards set somewhere, but how are you going to go about it with reference to the Federal Government itself? Are these people going to be subjected to a charge of contumacy; the Secretary of the Interior, the Corps of Engineers?

I want to protect my people, and I want them to have equal rights, all of them to have civil rights. [Laughter.]

I am serious about this.

Mr. QUIGLEY. Realistically, the Secretary of HEW is not likely to apprehend and arrest the Secretary of the Interior. [Laughter.] I have been to Pearl Harbor in connection with some activity, and the plain, blunt fact of the matter—and I do not mean to embarrass the Navy—is that the naval operation at Pearl Harbor is a pretty horrible job of polluting the bay area. I did not come back to the office and suggest to Secretary Celebrezze that I thought the first thing he ought to do was shut down Pearl Harbor.

I think these are practical problems. I think the President has issued a clear mandate in a directive to all departments and agencies that this is their responsibility, that they must face up to it. I think the best thing we can do is to use the weapon that Congress has provided the Secretary of HEW, to hold a conference, the public spotlight will be turned upon the pollution being caused by a Federal installation, and this can be very embarrassing. It can be very embarrassing because we happen to have a few installations in our own Department that still are not doing everything they should do.

Mr. DORN. Mr. Secretary, right at that point though, this is not exactly fair to a small industry or to a citizen, for that matter, because you can subpoena him, you can subpoena his records—right here on page 10—and if he is guilty of contumacy, he can be cited for contempt of court, fined, and possibly go to jail or the penitentiary.

Yet here on the other hand, the only thing you can do with the Federal Government is to focus the spotlight of public opinion.

Mr. QUIGLEY. I think we can do more than that as a practical matter. I think a call to the White House suggesting one department or another could be a little more cooperative would bring results.

Mr. DORN. But, Mr. Secretary, there is no way you can compel him to do so. He will not be guilty of contumacy.

Mr. QUIGLEY. Mr. Dorn, I think it should be clear to everybody, all Cabinet officers and sub-Cabinet officers serve at the pleasure of the President.

Mr. DORN. That is true. But you see I am concerned because I had three people drown in my district a few months ago who happened to be Negro citizens. They drowned because this water was turned loose. Their families have not received a penny. No one told them the water was going to be turned loose.

Then, of course, this is a pollution problem because on other days there is not enough water at all.

But the families of these individuals have no way to seek redress on the arm of the Federal Government that perpetrated this monstrosity on their families in their own community, so I am concerned.

Thank you, Mr. Chairman. I did want to get this in the record because I think it is important to consider the point that one arm of the

Federal Government may create pollution and you have no redress against it, and some little fellow may be subpoenaed, may have to produce his records, can be harassed and possibly be forced out of business.

I think the objective of this bill is great. Let us do something about pollution, but in trying to solve this problem, let us not create a lot more problems and also deprive a lot of people of their basic inalienable rights as American citizens.

Mr. BLATNIK. Mr. Cramer.

Mr. CRAMER. Mr. Secretary, I too am glad to see you back before the committee and glad to see that you finally got an opportunity to testify.

There are a number of questions I would like to ask, and I will keep them as brief as possible.

I want to develop this basic question of: Is now the proper time to be considering this legislation when we know, and you state, and so did Secretary Udall, that you are going to send up requests of very great consequences which will have, if enacted, very substantial amendments to the Water Pollution Control Act.

For instance, should the abatement of pollution be standard or applied to both intrastate and interstate waters?

Should the standards that are going to be brought up be applied to both, even though that is not the case under the present law?

Secondly, you want to make some major revisions with regard to producers. It is rather shocking to me to hear you suggest that you are going to take away the only right people have in this whole procedure. By people, I am talking not only about industries necessarily, but I am talking about the public which has views on these matters—rights to be protected.

Are they going to be denied that right by elimination of public hearings, not only relating to enforcement in the future, but relating to even the promulgation of these standards?

That would suggest to me in either instance it not only is shocking, but we are now making a full turn. When this legislation was initially considered, I introduced the initial bill which I thought was a proper partnership between the State and the Federal Government, where both were to do their job, where the Federal Government would not usurp the function of the State, nor do the work in a way that would discourage the State.

I think Governor Rockefeller's suggestion with regard to New York indicates the responsibility of the State, suggesting \$1.7 billion for sewage disposal construction programs for the State of New York alone.

This indicates the responsibility the State must accept if this is to work. In my opinion, if the States do not do their jobs, both in this sewage disposal and also in the enforcement, this cannot work.

Now, what is being proposed? I want to examine a couple of the amendments you have proposed, and I never did hear an answer given as to just what do you contemplate as specific examples of standards that you intend to recommend be set on a national basis. Just what standards do you have in mind?

Mr. QUIGLEY. Mr. Cramer, there are several points that I have to make. I will start at the back and work forward.

We do not intend to set any national standards. This point was made on the record last year; it was made in the other body. Let me make it again. There is no intent, no purpose in the standards section, as I understand it, to set national standards.

Mr. CRAMER. You are going to set standards that have national application; right?

Mr. QUIGLEY. No. We are going to set river basin standards on streams or parts of streams, and I have answered this question before, and I will use the same example to help refresh your memory.

The river I am most familiar with is the Delaware River. If we got around to the task of setting standards on that river, without being an engineer and without prejudging it, I do not see how we could come up with a set of standards that would not at the very least be trifold and perhaps fourfold. I could see one set of standards for that river above Trenton; I could see another set of standards for that river from Trenton to Philadelphia's city line; I could see a third set of standards from the Philadelphia city line past Wilmington, and I could see a fourth set of standards as that river moves out into the Delaware Bay.

The standards we set for that record, if we did, would have a certain consistency, I would hope, with comparable standards that we might set for the Susquehanna or the Ohio or the Mississippi, but each standard for each river basin, if it is going to be a sane and a reasonable standard, one that we expect people and municipalities to conform to and live by, and one we expect the courts to sustain us on, if the issue is raised—I think it is preposterous for anyone to suggest that we are going to set national standards, that we are going to try to say that the waters in the State of Florida have to be the same as the waters in the coal regions of Pennsylvania or West Virginia, or that the waters in the northern lake country of Minnesota must be the same as the waters in, say, the more arid State of Texas. It is preposterous on its face.

Secondly, going back, I have never said here now or at any other time, that this should be interpreted that we are about to come up with a proposal to set standards on intrastate or navigable waters. I have not suggested that.

Mr. CRAMER. Mr. Udall made a statement yesterday, and you were present, and I assume you heard it.

Mr. QUIGLEY. Mr. Udall did not read a statement. I was present and he did not read it.

Mr. CRAMER. I have one here which he submitted. I presumed you had read it.

Mr. QUIGLEY. No, I have not.

Mr. CRAMER. Here is what he said in his next-to-last paragraph:

The President has also recommended that the water quality standards should be applicable to navigable, as well as interstate, waters.

That is the President's recommendation, according to Mr. Udall, so it appears quite obvious—this is what bothers me—the objective is going to be to get us to approve this standards section, and then come back later and say: Now we want to change the enforcement provisions; we want to do away with public hearings; we want to make it apply to navigable waters, intrastate as well as interstate, and we want

to do these things on the basis that now we have set standards and now we need to telescope these procedures.

It just appears to me so obvious that if we are going to discuss standards, knowing full well you are going to have recommendations from the President, one of which I just read, and the other of which was also touched upon in Secretary Udall's statement relating to the President's message, on page 7:

Legislation should be enacted, and will be submitted to insure adequate and swift enforcement measures, and acceleration of the present enforcement procedure is not only highly desirable but necessary.

You suggested one of your thoughts with regard to that is to do away with the right of the public to be heard. It just seems obvious to me what we are doing here is letting the horse back up into the barn, and we may have to take him out later, and you may have a way you want to get him out, and you are going to ask to accelerate the proceedings on the standards.

Why should we not consider the whole package at the same time? Is that not the sensible way to do it?

Mr. QUIGLEY. No.

Mr. CRAMER. Why not?

Mr. QUIGLEY. It is not the way to do it any more than to say everything in the San Luis area should grind to a halt in order to make a study. This committee in this Congress is writing the next, not the final chapter in water pollution control in this country.

Mr. CRAMER. Are you suggesting that water pollution control is ground to a halt unless this bill becomes law? Is that what you are suggesting?

Mr. QUIGLEY. No. What I am suggesting is that the bill before this committee, and the bill that has been passed by the Senate, is the sound, reasonable, progressive step. I am urging that it be taken with dispatch. At the same time, I am pointing out to the committee that it is not the end of the line; it is not the final chapter; that with this bill no more needs to be done.

I think with this a great deal more needs to be done, and on the basis of the performance of this committee in the past, I think it will be done.

I do not know what the administration's proposals will be, and I do not know how soon they will be submitted to the Congress, but I will point out that, regardless of what we might ask, it is for this committee, and this Congress, to determine what we will get. I am confident that you will take in all of the proper things that you should take in in passing on the judgment as to whether our requests are reasonable.

Mr. CRAMER. You are requesting now, however, that we eliminate the hearing provisions in setting standards; is that correct?

Mr. QUIGLEY. No. I just suggested in my testimony and in any colloquy that I have had that this committee might render a great public service if, in reviewing this bill, they considered whether the public hearing procedure as now provided for serves a useful and desirable purpose. If they come to the conclusion that it does, then I would hope that the committee keep it in.

I point out, however, in the interest of protecting the public interest, which we are both dedicated to doing, in the interest of achieving

this end, if we make the procedural requirements so complicated, so time consuming that we do not get around to what I am assuming is our basic objective—our object is to prevent water pollution in this country.

Mr. CRAMER. I have the same objective, but I do not want to trample on the rights of people in the process. Their basic rights are the right to be heard, the right to have their——

Mr. QUIGLEY. Neither do I, and I am sure no one in this administration ever had such a thought.

Mr. CRAMER. Then I can assure you as far as this member is concerned, we will examine this in the light of both rights and objectives.

Mr. QUIGLEY. And you should.

Mr. CRAMER. I would like to ask you, relating to the Secretary's recommendations concerning amendments to the bill before us, for instance, on page 2 of your recommendations I would like to get an understanding as to just exactly what that does.

As I understand it, you add the clause, "or that any pollution is occurring which is declared by subsection (c)5 to be the subject of abatement."

What does that do when you read it in context with the legislation?

Mr. QUIGLEY. Which line are you reading from?

Mr. CRAMER. I am reading from page 2 of the proposed language of amendment of the Health, Education, and Welfare report on the bill.

Mr. BLATNIK. Page 9, line 7.

Mr. QUIGLEY. I will have to get that.

Could I refer the question to our counsel? It is a technical amendment, and I do not want to misspeak myself on it.

Mr. Ellenbogen.

Mr. BLATNIK. Counsel, will you give your full name to the reporter?

STATEMENT OF THEODORE ELLENBOGEN, ACTING ASSISTANT GENERAL COUNSEL, HEW

Mr. ELLENBOGEN. Theodore Ellenbogen. I am Acting Assistant General Counsel for our Legislation Division, Office of the General Counsel, HEW.

The purpose of this particular amendment, sir, is to mesh the provisions of the redesignated subsection (d) of the enforcement section of the act with paragraph 5 of the new standards subsection which says:

The discharge of matter into such interstate waters, which reduces the quality of such waters below the water quality standards promulgated by the Secretary * * * or established by the appropriate State or interstate agencies * * * is subject to abatement in accordance with the provisions of this section.

In its present form, in my judgment, the bill is technically defective in not meshing this provision with the procedural provisions for abatement that are now in the act.

The purpose of this particular amendment, as part of other amendments, is to do that.

Mr. CRAMER. Then do I understand that on page 9, line 7, following the quotation marks and the semicolon, you would put in this language before the new shellfish provision; is that correct?

Mr. ELLENBOGEN. That is correct, sir. It is simply a cross-reference which indicates that the Secretary could call a conference when this matter is involved.

Mr. CRAMER. Let us see whether we have a mesh or a mess.

Mr. ELLENBOGEN. That is a matter of opinion, sir. I think it is meshing, sir, not messing.

Mr. CRAMER. I think it does more than what you are suggesting. That is the point I make.

Mr. ELLENBOGEN. What is the point you make?

Mr. CRAMER. I should ask you the questions.

Mr. ELLENBOGEN. You said it did more. I am asking you, sir, because I want to be helpful.

Mr. CRAMER. Mr. Chairman, I suggest I am trying to find out what his amendment does, and I would like to interrogate him and not have him interrogate me.

Mr. BLATNIK. The gentleman is in order. Mr. Cramer, please proceed.

Mr. CRAMER. This is relating to the enforcement section, and the sentence, as I understand it, with your addition, will read as follows:

The Secretary shall also call such conference whenever on the basis of reports, surveys, or studies he has reason to believe that any pollution referred to in subsection (a) endangers the health or welfare of persons in a State other than which the discharge originates, or any pollution is occurring which is declared by subsection (c) (5) to be subject to abatement.

We are dealing here with the Secretary calling a conference. Any method of enforcement proceedings which does not involve international pollution could be initiated only at the request of the State; is that not correct?

Mr. ELLENBOGEN. Yes, a State request is needed in the case of pollution of interstate or navigable waters with only intrastate effect. The standards section of the bill, sir, relates only to interstate waters.

Mr. CRAMER. And the President wants to make it applicable to all?

Mr. ELLENBOGEN. I am speaking now about the technical suggestions in the Department's report in relation to this bill.

Mr. CRAMER. The result of this is that the intrastate pollution would give a basis for the Secretary's action himself without request from the State in the first instance. That is the effect of the amendment?

Mr. ELLENBOGEN. If the pollution is of an interstate stream.

Mr. CRAMER. Right.

Mr. ELLENBOGEN. If the pollution is of an interstate stream in violation of the standards which this bill says may be established either by the Secretary or by the State. In relation to that stream, that would be true.

Mr. CRAMER. The pollution can be the pollution of an intrastate water which, with this amendment, would not require the Governor's request?

Mr. ELLENBOGEN. My understanding of the standards section is that if there is pollution in violation of the quality standards established for an interstate stream under this bill, it would be subject to abatement under this section.

Mr. CRAMER. Even if there is no interstate pollution?

Mr. ELLENBOGEN. That is what I read as the intent of this paragraph 5 to be.

Mr. CRAMER. Without that amendment under present law it would require the request of the Governor of the State to initiate such action that it would not with this amendment relating to standards?

Mr. ELLENBOGEN. If it is a navigable or interstate stream but the pollution has no interstate effect, then we could not under present law come into it at all without the Governor's request, nor could we establish standards.

Mr. CRAMER. I am reading from section (d) under the enforcement section:

Whenever requested by the Governor of any State, the Secretary shall, if such request refers to pollution of interstate or navigable waters which is endangering the health or welfare of persons only in the requesting State in which the discharge or discharges causing or contributing to such pollution originate, give formal notification thereof to the water pollution control agency and interstate agency, if any, of such State and shall promptly call a conference of such agency or agencies, unless in the judgment of the Secretary, the effect of such pollution on the legitimate uses of the waters is not of sufficient significance to warrant exercise of Federal jurisdiction under this section.

That is the sentence preceding the sentence which you amend.

Then the effect of your amendment as it relates to standards is that the Governor in this situation would not have the right to request initiation?

Mr. ELLENBOGEN. Yes, the Secretary could proceed without such a request if it is an interstate stream, though no interstate pollution effect has occurred.

Mr. CRAMER. So it has a rather significant effect?

Mr. ELLENBOGEN. That is right.

Mr. CRAMER. The second amendment proposed is No. 7. No. 7 is on the bottom of page 2 and the top of page 3, and it begins at page 9 in the bill. On page 9 redesignate subsections (d) and (c) as subsections (e) and (f), and insert the following between lines 11 and 12, so that will read as follows as compared to the way it presently reads:

If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of the pollution on account of which the conference was called is not being made, he shall recommend to the appropriate State water pollution control agency that it take necessary remedial action.

That revises the wording of the present existing law, does it not?

Mr. ELLENBOGEN. Yes, sir.

Mr. CRAMER. In what respect?

Mr. ELLENBOGEN. It does so by substituting for the phrase: "If the Secretary believes upon conclusion of the conference or thereafter that effective progress toward abatement of such pollution is not being made, and that the health or welfare of any person is being endangered, he shall recommend to the appropriate State water pollution control agency that they take necessary remedial action"—the substituted sentence you have read, the purpose of which is to refer back to the various types of pollution which preceding parts of the present law and of this bill in relation to quality standards say shall be subject to abatement.

Mr. CRAMER. With all due respect to your testimony, in reading this sentence, as compared to the sections presently in the law, what you are doing is striking out the phrase "that the health or welfare of any person is being endangered," eliminating that?

Mr. ELLENBOGEN. That is right.

Mr. CRAMER. This amendment eliminates that consideration?

Mr. ELLENBOGEN. The bill would add to the present law a provision which states that if the marketability of shellfish in interstate commerce is impaired by reason of pollution, coupled with Federal, State, or local action, in that case the Secretary shall call a conference, or may call a conference, rather. In addition, the bill provides that the violation of Federal or State water quality standards shall be subject to abatement.

My understanding of the purpose of these provisions is to permit abatement of the pollution involved, and the sole criterion would be whether the criteria of the particular provision involved have been met, and the purpose of the amendment would be to mesh with that.

Mr. CRAMER. What this does, it seems to me, has a very broad effect. Presently the Secretary must believe "after the conference that the effective progress toward abatement of pollution is not being made." This is No. 1.

No. 2, he must find—this seems to me to be the whole key to the abatement question—that the health or welfare of any person is being endangered, then he shall recommend appropriate State water pollution control action.

One is eliminating a consideration of whether it affects the health of the people. It seems to me that is the crux of the whole water pollution control question, and I think you are leaving it out.

Mr. QUIGLEY. This is the crux of the law as it now reads. This is the basis of his authority to call the conference in the first place. Only he can direct or cause abatement actions to occur if he proves to be right. If he was wrong in the first instance, then there is no endangering of the health or welfare. And he cannot direct abatement action to occur.

Clearly what you are doing here, what you propose to do in the bill, is to authorize the Secretary to convene conferences in two additional instances; one, where the standards that have been set have been violated, and, two, where the shipment of shellfish in interstate commerce has been impaired.

So in those two additional instances, the Secretary would then be authorized to convene conferences.

If he finds after the conference is held that he was right, that the standards have been violated, or that the shipment of shellfish has been impaired, all these technical amendments are trying to make clear is that he then has authority to proceed with the necessary abatement action.

There is no point in giving him authority to call a conference on one ground and if, in fact, the conferees established the grounds as factually correct, if he has no authority to do anything about it.

If we are not suggesting this in the technical amendments, then clearly let's make sure we do.

Mr. CRAMER. It looks to me like you are throwing out the baby with the bath water. What you are doing is striking out the principal finding required of the Secretary, that the pollution affects the health or welfare of persons, and throwing it out in all cases. I cannot imagine that shellfish would not have an effect on health. I could not imagine either that if you set standards, one of the principal aspects of your standards is going to be the effect the setting of those standards has, or the lack of them, on the health of the people.

How can you possibly eliminate that specific finding on the part of the Secretary relating to even those two, let alone the all-present part?

Mr. QUIGLEY. I do not think we are eliminating them. I think all we are attempting to do here—and perhaps we have not succeeded, but let us make clear what our purpose is—in the bill before us you would attempt to broaden the Secretary's authority to call a conference by adding two additional grounds. It is essential and important after he calls the conference to be authorized to do something about it.

Mr. CRAMER. That gets us back to the basic question I asked at the outset. Frankly, I think your proposed amendment is extremely dangerous and would do great harm to the program. Give me some examples of standards you are going to set.

Mr. QUIGLEY. I have to plead total and complete ignorance of the standards we are going to set. I cannot sit here and tell you what the standards are going to be. You are the one who was arguing for the necessity for public hearings and consultations with the States. How can I sit here and state these are the standards we are going to set? We do not know.

We are only going to set the standards after following the procedures that will be incorporated in this law, after we come to a conclusion as to what are reasonable standards for this particular body of water.

Mr. CRAMER. You are asking us to give you pretty much of a blank check in setting standards, and you want to eliminate even the reference to the health and welfare of the persons who are being endangered by possible future pollution resulting from failure to live by those standards.

Mr. QUIGLEY. Obviously, Mr. Cramer, if the standards are going to be meaningful I think they have to be more all inclusive than the present authority that we have in the law. I think they have to touch upon recreational uses of the water; they have to touch upon potential industrial uses of the water. I do not think they can be confined certainly to the health aspects.

Mr. CRAMER. Is this not a correct example of what you can do or what your views are in proposing this legislation as to the powers to set standards? You talk about the Delaware River. Let us take any river. Let us assume that a pulp paper factory is considering locating in a given area on a given stream. It has not started construction. You, in effect, are going to have the right to say that if that papermill is located there, it is going to bring the water down below the standards you think it should have, and therefore you think for the plant to locate there would be a violation of the standards set and subject to enforcement. Is that correct?

Mr. QUIGLEY. Not the location itself but the discharge of polluting matter into the river by the mill might violate the standards. I think this is inherent in the whole standard approach.

Mr. CRAMER. And these are decisions that are presently made by the States and local municipalities at the present time?

Mr. QUIGLEY. If they are made at all.

Mr. CRAMER. So, in effect, what you are asking is that the Federal Government be given authority, by setting standards, to determine the use of the property on the riverbanks, or the waterbanks, which has been—and which, in effect, amounts to zoning—has clearly and

always been within the authority of the State and local community; is that not the obvious end result?

Mr. QUIGLEY. I do not know whether it is the obvious end result, but I do not deny it is a very likely end result in many instances.

Mr. CRAMER. You want to make these decisions without public hearings?

Mr. QUIGLEY. No, I do not. I am not asking for our power to be arbitrary and capricious. I want the record clear that I do not want that authority. But I do not want the standards section sacrificed on the altar of protecting the public interests by extensively elongated, prolonged hearings.

Mr. CRAMER. I do not want to see the public interest destroyed either, or the right of the people destroyed, or the rights of the State and local communities to be destroyed, on the basis of some bureaucracy wanting to take over a function that has traditionally been a State and local function, and which might have the effect of destroying the effectiveness of this program throughout, which has been a partnership of State and local and the Federal Government, mainly because of the manner in which the enforcement procedure has been drafted.

It was drafted purposely that way to protect the respective interests.

Mr. EDMONDSON. Will the gentleman yield?

Mr. CRAMER. Yes.

Mr. EDMONDSON. Could the Secretary shed a little further light on the reasoning behind the desire to eliminate the requirement for the finding, in fact, it is just a belief that the statute requires, a belief on behalf of the Secretary that the health or welfare of any person is being endangered? Could the Secretary give us a little light on why that should be deleted?

Is it too burdensome to find actual danger, or is it felt that this puts too heavy a burden of proof upon the Secretary when the new requirement is that he must believe the situation be present?

Mr. QUIGLEY. Mr. Edmondson, this is not being eliminated or deleted. Believe me, it is not.

Mr. EDMONDSON. It is in the substitute language that is proposed?

Mr. QUIGLEY. No. This is additional language.

Mr. EDMONDSON. But your proposed substitute language would replace the subsection (d) which appears in title 33, section 466(g). You would replace the phrase "that the health or welfare of any person is being endangered" with new language that deletes that particular phrase?

Mr. QUIGLEY. It is not intended to delete. It is too add to it.

Let me make it clear. It refers back to that language, and then adds additional language. All I want to make sure is an reporting out this bill, if the law will continue, as I am sure it will, to authorize the Secretary to call a conference when he has evidence that there is interstate pollution occurring, which endangers the health and welfare of persons in the downstream States, if this authority is still in the law—and I trust it will be—that he also have authority to act, if this in fact proves to be the case.

By the same token, if this legislation is passed, and the Secretary is authorized to call conferences in additional situations, to wit, the interstate standards that have been violated, or that the shipment of shellfish in interstate commerce has been impaired, then in those two

instances, when this was the ground for calling the conference in the first place, and these are the facts established at the conference, that he have authority to recommend effective abatement action.

It is not intended to delete; it is just to make certain——

Mr. EDMONDSON. Counsel has suggested that the reason you might like to have this eliminated is that the requirement in this subsection (d) at the present is that there must be a present danger, where you might be trying to avert a future danger.

Mr. BLATNIK. Right.

Mr. EDMONDSON. That is counsel's suggestion as to the reason for the elimination of this particular phrase.

May I ask your counsel if that is a sound basis for the elimination of the phrase?

Mr. ELLENBOGEN. My purpose was, as I said before, to mesh this particular provision with the new grounds as well as the old ground for calling conferences.

The bill, if enacted, would permit the Secretary, or the States, to establish standards of water quality which, if violated, the bill says shall be subject to abatement under this section. To me this means that if the standard itself—in the establishment of which health and welfare, of course, will have been considered—is violated, that in itself shall be a ground for abating the particular pollution.

Mr. EDMONDSON. Would it not be sound to say that if you are going to injure the sale of shellfish, you are going to hurt the welfare of the shellfish industry, whether you endanger the health of anybody or not?

I think this is a very broad charter for the Secretary. If he has a belief that the welfare of somebody is going to be affected adversely, he could within the present language request this particular action, unless the language is too restrictive, in that it says that it must now be endangered rather than possibly be endangered in the future.

Mr. QUIGLEY. Let me make this point, and I hope it will help clarify the situation. At the present time if the Secretary would call a conference he has to come to two conclusions, one, that it is interstate pollution—pollution occurs in one State and the adverse effects on health and welfare are occurring in another State; he has to conclude, No. 1, there is pollution; he has to conclude, No. 2, it is interstate; and No. 3, that the adverse effects are felt in a State other than where the pollution is occurring.

Under the shellfish provision, it could very well be that the adverse effects on the welfare would be confined to the State where the pollution was occurring. If, for example, the pollution occurred on an interstate stream in the State of Maine and, as a result of this pollution, the shipment of shellfish from these polluted beds were barred, you are not going to be able to demonstrate any adverse effects on a restaurant in New York which can always get their oysters from somewhere else, but you are going to be able to demonstrate at the conference in this hypothetical situation an adverse effect on the shellfish people operating in the State of Maine.

As we understand the shellfish provision, the Secretary is to be authorized to call a conference in that case, and all we are saying is if he can call a conference, let us make sure it is not a mockery; that

he has authority to do something about the pollution which is occurring.

Mr. EDMONDSON. Counsel has suggested if in this present section you substituted the word "or" for the word "and," so that he had the alternative, that abatement of such pollution is not being made or that the health or welfare of any person is being endangered, you might meet the problem that you have here, and not delete from the law a phrase that is going to have pretty broad appeal among people who believe that the Government should primarily be concerned with the health and welfare of people when it administers this program.

Mr. QUIGLEY. I think if we are clear as to our purpose, the technicalities of it can and should be worked out by our respective counsel on the staffs.

I just want to make sure what our intention and purpose is. If the technical amendments we submitted do not accomplish this, then clearly they should be revised and changed.

Mr. EDMONDSON. I thank the gentleman from Florida for yielding.

Mr. CRAMER. In commenting on what the gentleman has suggested, I do not think that would accomplish what he intended by inserting an "or" for the simple reason either finding could be made.

In other words, you could have the agency not doing anything about the health and welfare of the people. That is almost as bad as striking it out. If you wanted to do what you are talking about, and relate it to shellfish, why in the world did you not just add a clause after the sentence and say, "except in the case of such and such section dealing with shellfish, the Secretary shall not have to make a finding with respect to health and welfare of the persons being endangered"?

That would not affect the whole program.

Mr. QUIGLEY. If our amendment is too broad—and your point may be valid—it should not be inserted. But by the same token, I would hasten to add that the language we are dealing with here is not intended to be limited to the shellfish section alone. It also refers to the standards section.

I think the important thing here, the importance of this discussion, is to make our purpose and intention clear. This is like trying to write tax legislation on the floor of the House. It is an extremely difficult assignment.

I think what we have here are technical amendments that maybe need to be made, but maybe do not. We are suggesting perhaps they do. I think the important thing is that the bill clearly provide for what I think the sponsor intended and which we endorse.

Mr. CRAMER. I am still trying to get some specifics. Let me give you an example and possibly get an answer from you that might illustrate why I am concerned.

In the first place, this setting of standards on page 7 and the top of page 8 is very broad.

Such standards of quality shall be such as to protect the public health and welfare and serve the purposes of this Act. In establishing standards designed to enhance the quality of such waters, the Secretary shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.

In the light of that language, let me ask you this question: What would be your view on water purity standards to be promulgated in

an area having pure water, but which is underdeveloped, but has great potential for development? Would these standards be such as to affect this future development of this area?

Mr. QUIGLEY. I would hope they would, and I would hope they would affect it for good rather than evil.

Mr. CRAMER. And they could have the effect of preventing certain types of development and permitting certain others?

Mr. QUIGLEY. If they are going to be effective standards, they are going to do that exactly.

Mr. CRAMER. So in effect by setting the standards, the Federal Government would be determining pretty much the future use of the shores of that particular stream or any and all streams where standards are set?

Mr. QUIGLEY. These standards would be set. They are subject to review by the courts. If they are arbitrary, unreasonable, unrealistic, under all the circumstances, this is what the judge and not the Secretary of HEW has to finally decide.

Mr. CRAMER. The State of New York, as I understand it, has set standards for practically all streams in New York on its own initiative; is that your understanding?

Mr. QUIGLEY. It is my understanding that they have set such standards. I underscore the word "set."

Mr. CRAMER. Despite that fact, the Federal Government is going to set standards, and you suggest without public hearings—

shall promulgate the standards pursuant to this subsection with respect to any waters only if, within a reasonable time after being requested by the Secretary to do so, the appropriate States and interstate agencies have not developed standards found by the Secretary to be consistent with paragraph (3) of this subsection, and applicable to such interstate waters or portions thereof.

What happens if the State of New York, now having established these standards, having been in the process of developing its industrial expansion in keeping with those standards, the Federal Government decides that those standards are not the standards the Federal Government would set—what happens to that expansion in those areas?

Mr. QUIGLEY. I do not know that I can answer that. The chief purpose of the standards section, as I understand it—if a State has done a job of setting standards, we are not likely to become too involved. I think there are many areas in this country where standards have not been set, and I would think that this is where we are going to direct our efforts and energies and attention.

If a State has, in fact, set standards, and is making an effort to apply them, clearly I think, considering the limitations on time and manpower and moneys that are available, the prudent decision would be to make our efforts felt in other parts of the country where they would do more good.

We are not interested in superseding any State if the State is doing a good job, or even a better job than we can do—this is fine with me. As a matter of fact, nothing would encourage me more than if this whole section were suddenly to become academic, and we did not have to gear up to try to carry out this responsibility, if the States would move in and do it.

Mr. CRAMER. But you want the right to make that decision in the Federal Government as to whether the Federal Government thinks the State is doing the job or establishing standards that the Federal Government thinks it should establish.

Maybe the States have a different opinion, and maybe rightly so.

Mr. QUIGLEY. Maybe rightly so.

Mr. CRAMER. Even if it is rightly so, these standards are set, and if they are enforced, and some further suggestions of even telescoping enforcement—

Mr. QUIGLEY. But always subject to judicial review.

Mr. CRAMER (continuing). The State has to conform to the Federal standards under the terms of this act, so long as they are reasonable.

Mr. QUIGLEY. So long as they are reasonable, new in nature, and affect interstate waters.

Mr. CRAMER. Where is the judicial review that you mentioned, relating to these standards?

Mr. QUIGLEY. The judicial review is not in the standards section, because the standards section, as presently drafted, is incorporated and made part and parcel of the enforcement section. The present law is very clear on the judicial review.

Mr. CRAMER. So that the judicial review comes in the form of hearings or trials of the actual cases filed by the Attorney General pursuant to the request of the Secretary to abate the pollution. What are you going to abate in setting standards? How is it going to abate? What are you going to abate with relation to the setting of standards?

Mr. QUIGLEY. The setting or violation of standards?

Mr. CRAMER. How are you going to abate violation of standards?

Mr. QUIGLEY. The violation of standards would be grounds on which to direct abatement activity.

Mr. CRAMER. Suppose it is not a violation of the State and is a violation of the Federal standard?

Mr. QUIGLEY. In the instance you are suggesting, our judgment would have to be on the Federal standard.

Mr. CRAMER. Suppose it is not a violation of the Federal, but it is a violation of the State standard?

Mr. QUIGLEY. I think in the instance you are suggesting, the test as far as the Secretary would be concerned is, do they conform to the Federal standards; and if it is his decision they do not, and the evidence is they are making no efforts to bring themselves in compliance, then I think the act is very clear already as to what the procedure should be.

Mr. CRAMER. I want to find out how this thing is going to work. Let us say you have a factory you want to locate on a stream, and you have made request to the State for permission to do so, and the State has granted it, What is going to be your function? Let us assume you get knowledge of that, and the Secretary looks into it and decides in his own mind that maybe this plant would pollute the stream, are you going to have the Federal Government's given authority to keep that plant from locating by following these procedures in anticipation of pollution?

Mr. QUIGLEY. In the situation you are suggesting, if this was an interstate stream, on which Federal standards had been set, the Secretary should have the authority, if this act becomes law, to call a conference, and the question in advance of the fact would be, Would the

erection of this proposed factory or mill reduce the quality of the water on which it was to be built below the Federal standards?

If the question were determined by the conferees in the affirmative, I think the immediate challenge they would be faced with is, What could be done to have both?

What engineering changes, what changes in design, what additional treatment facilities might be incorporated in the planning and the building of this factory which would permit the factory to come into operation and not reduce the quality of the water below this standard?

I think this is a highly desirable and very constructive approach to water pollution control in this country. I think it is much fairer to an industry to let them know what the conditions are before they come in, not to lure them in because the State is anxious to get a payroll, or to get tax benefits, and then after they are in and their plant is built, come along 2 or 3 years later and say, "You are going to have to spend another two and a half million to abate this pollution."

If we had told them this in the first place, they probably could have incorporated the necessary changes in design in many instances and accomplished the same thing for perhaps a fraction of the cost, so I think this is a very desirable situation that you have highlighted.

Mr. CRAMER. I just have one or two more questions. Time will not permit any more.

There are new proposals made in this legislation as compared to what our committee wrote out last year. No. 1, and most significant, are these standards we are talking about. No. 1 recommends; it is, therefore, not mandatory, as our committee voted the bill out, and No. 2, required the approval of the States.

These requirements are not contained in the Senate bill.

Which version do you think is correct, the one the House committee promulgated last session, the bill it voted out, or the same Blatnik bill which the committee amended to the effect I just mentioned, and the Senate bill?

Mr. QUIGLEY. I prefer either the Muskie bill as it passed the Senate, or the Blatnik bill as it has been introduced and is now before this committee.

Mr. CRAMER. You think it ought to be mandatory and not recommend to the hearing board?

Mr. QUIGLEY. I do. Subject, of course, to the provision for judicial review, which is clearly spelled out in the Senate bill when they are first set and subject to the right of judicial review, which is already provided for in the law then, and if, we attempt to apply these standards.

Mr. CRAMER. Secondly, the subpoena power that is provided; that was not in the proposal last year, was it?

Mr. QUIGLEY. That is correct; and it is not in the Senate bill, as I recall.

Mr. CRAMER. That is right.

You did not mention that. What is your attitude on that?

Mr. QUIGLEY. In my opening statement I did indicate that I think the proposed subpoena power provided for in the chairman's bill is a desirable addition to the authority that the Department now has to more effectively abate water pollution.

Mr. CRAMER. Who are you going to be demanding this evidence of?

Mr. QUIGLEY. The same people we are requesting it of now.

Mr. CRAMER. Who, for instance?

Mr. QUIGLEY. The States, the interstate agencies, the industries.

Mr. CRAMER. So a State can end up being in contempt for not providing the evidence you request?

Mr. QUIGLEY. I do not know that a State could, but I could see where an officer of the State who refused to submit the evidence could be; yes.

Mr. CRAMER. Do you think it is really smart to continue that argument on this bill, where the Federal Government can go in and cite a State agent for contumacy, when he thinks he is doing a job and perhaps put him in jail?

Mr. QUIGLEY. I do not know whether it is smart or not, but I think it is a desirable provision, and if it could be added to the bill it would be a step forward.

Mr. CRAMER. I think it would be a step way back. The thing that bothers me about this is that this is about as clear an example as you can get of whether this concept of water pollution control can be successfully, be it in construction of your plants or be it in your abatement procedures relating to streams.

The only way it can be successful is if the States and the local communities accept their full responsibility——

Mr. QUIGLEY. I could not agree with you more.

Mr. CRAMER (continuing). And here you are wanting the Federal Government to come in and give them broad scope of authority, regardless of what the States want.

Mr. QUIGLEY. Let us stay with the subject——

Mr. CRAMER. I will stay where I want to stay on my question.

You are not even going to let the State set its own standards and make a provision in here that if there are adequate standards the Federal Government is out of the picture. Why should the Federal Government be in it at all if the State standards in New York, for example, are adequate?

Then you add a further step: "By golly, if we want to make a finding with regard to any of these matters, we are going to put you in jail, if you do not provide the evidence we think you should provide."

This, to my way of thinking, is just destroying the partnership approach which is essential if this thing is going to work.

Mr. QUIGLEY. Mr. Cramer, as I said, I thoroughly endorse your concept of the State-Federal partnership on this, the essential need for Federal-State cooperation, and without this, this program is in trouble, but I would hasten to add that Federal-State cooperation is a two-way street.

What do you propose that the Federal Government do in those instances where a State or interstate agency will not give us this cooperation that we all recognize is so desirable and essential?

I think this is the question.

Mr. CRAMER. Let me ask you this question: Assuming you get in a squabble between New York and the Federal Government as to what the standards would be, New York having already set its own standards, the Federal Government saying, No, your standards are not right; then you get into the litigation with regard to it. The State

has no right to subpoena your records for those court cases, but you want the right to subpoena theirs. Is that a partnership?

Mr. QUIGLEY. No, but I would not object if they had that authority.

Mr. CRAMER. Why do you not provide it in the bill, then? Why not give this right to the States and the industries?

Mr. QUIGLEY. For one reason, I do not know whether it is within the prerogative of the Government to give a subpoena power to any one of the 50 States—

Mr. CRAMER. Why certainly the Congress can provide you shall make this information available to the States. There is no question about that.

Mr. QUIGLEY. No, but this is not giving subpoena powers to the States.

Mr. CRAMER. No, but it has the same effect.

Mr. QUIGLEY. I would have no objection to that. It might be a desirable addition to the bill.

Mr. CRAMER. Last year when you testified before our committee you indicated—and you have now discussed it also, the urgency of this—the power of the Secretary at the present time in comparison to what the power could be with these amendments.

Last year you testified with regard to what presently was happening under the enforcement provision, and I am quoting from your testimony on page 254:

Another possible indicator of the growing activity in the field of water pollution control can be found in the area of enforcement. In the current fiscal year our Department has held five enforcement conferences and four more are presently scheduled. Of these nine actions, three were called at the request of Governors; six on his own initiative by Secretary Celebrezze.

What is the present status? How many have there been since then?

Mr. QUIGLEY. Speaking off the top of my head and from memory, I would say there have been nine. I do not know when that testimony was given, but it is my recollection in the period since Secretary Celebrezze has been Secretary, we have called 18 conferences out of the total of 34 that have been called since the act was passed back in 1956. I am not sure of the numbers, but I think my answer is that in the 2½ years Mr. Celebrezze has been Secretary, he has convened some 18 conferences—the 18th, which he has convened, will be held next month.

Mr. CRAMER. How many of these went to court?

Mr. QUIGLEY. None of these went to court. None of these went to hearing. The conference technique has for the most part been eminently successful.

Mr. CRAMER. And it would be well to preserve that relationship, would it not, established in the conference approach?

Mr. QUIGLEY. Yes, and it would be desirable to improve it.

Mr. CRAMER. Then do I gather that this bill before us is not the bill, or the administration's bill relating to water pollution control discussed in the President's message to the Congress, in that his recommendations related to the two items I mentioned: speedup procedure and the application of standards to the interstate control of navigable waters—that is his program, right?

MR. QUIGLEY. No, I think the President indicated when this bill was pending before this committee and the Rules Committee in the last session of the Congress, that this bill, meaning last year's version, the Blatnik and the Muskie bill, were on his must list. As far as I know, it is still on.

What I am suggesting is that the President has indicated that in addition to this legislation, which we consider highly desirable at this time, this is not the end; this is a logical, necessary, desirable step, but that there will be, and there should be, and there must be additional steps taken. And in due course the administration will submit these proposals to the Congress, to this committee for its consideration.

MR. CRAMER. This is the Blatnik-Muskie bill, and we can expect in the near future to have the Johnson bill proposed to Congress containing major revisions of the law.

MR. QUIGLEY. I do not want to take anything away from either the sponsors—

MR. CRAMER. The Johnson-Blatnik-Muskie bill of the future.

MR. QUIGLEY. I would say this is the Johnson-Muskie-Blatnik bill for now, and I would suggest there will be additional legislation suggested by the President, which I hope the chairman of this committee and its opposite number in the Senate would see fit to cosponsor.

MR. CRAMER. New York has suggested—and I am very proud of this fact—that that State is going to start putting up 40 percent of the cost of construction of sewage disposal plants. Of course I am sure you know our position as a minority—my personal position is this is the direction in which we should go to get more money in the program and to make it work.

I think it is well to note that New York is moving in that direction, making a substantial bond issue so that the State can help participate at well as the local communities. Is that not a sound approach?

MR. QUIGLEY. I think this is a highly desirable approach; however, I think it is important also to understand and appreciate that Governor Rockefeller in his proposal is suggesting a flat guaranteed 30 percent of Federal dollars in every project. I am not saying this is good or bad, but what I am suggesting is, as part and parcel of his total recommendation, the Governor of New York suggested more active State participation and more Federal participation.

MR. CRAMER. But in any instance where there is 30 percent Federal, they are willing to put up 40 percent State?

MR. BLATNIK. Thirty percent State.

MR. QUIGLEY. I think it is 30-30.

MR. CRAMER. Could you give us for the record the list of other States which are either programing such an approach or have such an approach in effect?

MR. QUIGLEY. We can. There are a number of States that already have a program whereby they join with the Federal Government in helping the local community meet this need.

MR. CRAMER. Instead of participation by the State?

MR. QUIGLEY. I would be happy to.

MR. CRAMER. Thank you.

MR. BLATNIK. Thank you, Mr. Secretary.

(The information referred to is as follows:)

STATE LEGISLATION PROVIDING FINANCIAL AID FOR SEWAGE TREATMENT FACILITIES

California.—State water pollution control fund of \$1 million is available for making loans at 2-percent interest to municipalities and districts for the construction of sewerage and storm drainage facilities.

Loans are made by the State water pollution control board subject to the approval of the State director of finance. In order for such loans to be made, it must be determined that the facilities are necessary for health and welfare of the inhabitants, funds are not available, commercial sale of revenue bonds is impossible, and the proposed repayment plan is feasible. (Ch. 221, Statutes of 1953.)

Georgia.—Provides a State grant to any county, municipally, or any combination of the same to assist in the construction of those water pollution control projects as qualify for Federal aid and assistance under the provisions of the Federal Water Pollution Control Act. The State's contribution matches the Federal grant of 30 percent or \$250,000, whichever is less. The State board of health is to administer the State grants in direct conjunction with the administration of Federal funds granted. Determination of the relative need, priority of projects, and standards of construction are to be consistent with the Federal Water Pollution Control Act provisions. (Act 73, Laws 1961; House bill 175, approved Mar. 6, 1961.)

Indiana.—A revolving fund of \$500,000 has been created to assist units of government to defray the cost of preparing surveys, plans and specifications for the construction of public buildings, publicly owned and operated facilities, utilities and services. Loans are made by the State board of finance upon the report and recommendations of the Indiana Economic Council which has the responsibility for review and investigation of the application and certification of the amount which may be loaned upon any said application. Any amount loaned is an obligation of the unit of government and must be repaid within a period of time fixed by the State board of finance not to exceed 3 years. When facilities are constructed for which planning money was received, the loan is considered as a part of the cost of such project and constitutes a lien against the same; when bonds are issued for the project, the loan must be repaid in full immediately following the sale of bonds. (Acts of Indiana, 1945, ch. 136, amended by acts of 1951, ch. 200.)

Maine.—State water improvement commission is authorized to pay an amount equal to the total Federal contribution under Federal Water Pollution Control Act (Public Law 660, 84th Cong.), for the construction of municipal sewage treatment works receiving Federal approval and Federal funds. (Laws of 1957, ch. 429; 1961, ch. 299; Revised Statutes, c. 79, sec. 7-A.)

For the 1962-63 biennium, a total of \$450,000 was appropriated for State grants for construction of facilities. (Ch. 249, Private and Special Laws, 1961.)

An additional \$381,815 was appropriated for State grants for sewage works construction for the 1962-63 biennium to facilitate participation of communities in the Accelerated Public Works program. (S. 90, approved May 3, 1963.)

State water improvement commission is authorized to pay up to \$2,500 or 50 percent, whichever is less, for the cost of sewage surveys by municipal, quasi-municipal corporations, or regional planning commissions. (Laws of 1959, ch. 294; 1961, ch. 311; Revised Statutes, c. 79, sec. 7-B.)

Maryland.—A fund of \$5 million is authorized (established by a State loan) to be used to supplement grants made under the Federal Water Pollution Control Act (Public Law 660, 84th Cong.). Any municipality which has received a Federal grant may petition the State for an equal or matching grant subject to the limitation that the State and Federal grants combined are not to exceed 50 percent of the total cost of the project. The petition is directed to the State board of health. When the board approves the plans it forwards the petition to the board of public works with its report that the project has been approved by the U.S. Public Health Service and the State department of health. The board of public works then makes the grant of State funds. (Laws of Maryland, 1957, ch. 741; 1960, ch. 25.)

An additional \$5 million sewage treatment works loan of 1962 is authorized and directed to be issued. State aid to any one project by any one municipality may not exceed \$400,000. (Laws of Maryland, 1962, ch. 72.)

The State board of health is charged with assisting the counties and municipalities in developing comprehensive master plans for the construction of the basic main facilities (construed to include sewage treatment plants, intercept-

ing sewers, outfall sewers, pumping stations and forced mains connected therewith) of sewerage systems for the collection and disposal of sewage and industrial wastes from lateral or collector sewers. The board is directed to coordinate plans upon a regional basis when deemed advisable. A sanitary facilities construction fund is established, consisting of funds as provided in the annual budget, to finance local planning for sewage facilities upon an equal matching basis with counties, municipalities, or any agency thereof, and to defray the board's independent planning. The Department of Health may approve a State grant from the fund to assist the construction of basic main facilities if it determines that the applicant county or municipality, or a duly authorized agency, is not able to finance such construction by normal taxes, assessments, service charges, connection charges, and available State and Federal assistance. The grant may not exceed the local funds appropriated for the construction. (Laws of Maryland, 1961, ch. 411.)

A "general facilities construction loan of 1964" in the aggregate of \$5 million to finance the cost of construction of water and sewerage facilities and the cost of acquisition of real estate required in connection therewith by loans to municipal corporations or sanitary districts is authorized and directed to be issued. Loans are not to exceed 25 percent of the total cost of the project as approved by the board of public works. (Ch. 791, Laws 1963.)

New Hampshire.—The State is authorized to guarantee unconditionally a total aggregate sum for the entire State of \$25 million of bonds issued by municipalities (towns, cities, counties, or districts) for construction of sewerage systems, sewage treatment and disposal plants, or other necessary facilities for pollution control. All bonds so guaranteed shall be sold (1) at public sealed bidding, (2) after advertisement for bids, (3) to the highest bidder. Any and all of the bids may be rejected and a sale may be negotiated with the highest bidder. (Laws of New Hampshire, 1949, ch. 247; 1957, ch. 213; 1961, ch. 182; R.S.A. 149:5 (supp.); 1963, ch. 167.)

The State shall, in addition to the Federal grant made under the Federal Water Pollution Control Act, pay annually 30 percent of the yearly amortization charges on the original costs resulting from the acquisition and construction of sewage disposal facilities by municipalities (meaning counties, cities, towns, or village districts) for water pollution control. Retroactive payments (including additional 10 percent increase authorized by ch. 215, 1963) are authorized for construction since July 1, 1947. Appropriated \$476,000 from which payments are to be made. (Laws of New Hampshire, 1959, ch. 267; 1961, ch. 55; R.S.A. 149-B:1 (supp.); 1963, ch. 215.)

New Mexico.—Authorizes grants to associations formed in rural, unincorporated communities to provide facilities for the development adequate sanitary domestic water supply, sewage works, or both. The State department of public health administers this program. As a prerequisite to the grant the communities must agree to contribute all unskilled labor and such skilled labor as is available and desirable and to contribute all available materials such as stone, lumber, and sand. The community must have been in existence 25 years or longer.

Subdivisions adjacent to incorporated communities are not eligible.

The association must contribute one-third of the estimated cost. (Laws of 1957, ch. 122; Senate bill 57.)

New York.—New title 9 to article 12 of the public health law provides:

I. PLANNING ASSISTANCE FOR COMPREHENSIVE STUDIES AND REPORTS

Effective April 1, 1962, the commissioner of health may make a State grant to any municipality, or to two or more municipalities jointly, to cover the entire cost of the preparation of a comprehensive study and report for the present and future collection, treatment, and disposal of sewage in the municipality or municipalities. This authority is to extend for 10 successive fiscal years.

Defines the comprehensive study and report to be an engineering study for the development of economical projects for the present and future collection, treatment, and disposal of sewage for one or more municipalities or any portion thereof. The study is to include the determination of the area or areas to be served, total and annual cost estimates and proposed method of financing, the general plan for the contemplated sewerage project, basic information for economical enlargement to serve future areas and population, and major alter-

native solutions. (The initial annual cost of the new planning assistance program is estimated at \$750,000.)

II. GRANTS FOR CONSTRUCTION OF SEWAGE TREATMENT WORKS

Beginning with the fiscal year commencing on April 1, 1963, and for the following 9 fiscal years, the commissioner shall make capital grants to municipalities for construction of sewage treatment works. The grants are to be in the same amounts and limitations as Federal grants under the Federal Water Pollution Control Act; i.e., 30 percent or \$600,000, whichever is less, for an individual project and the total of the shares of participating communities or \$2,400,000, whichever is less, for a joint project. The State grants become available only when the Federal allotment has been exhausted and are limited in any one fiscal year to an amount equal to 50 percent of the Federal grant allotment.¹ No municipality may receive both State and Federal grants in excess of the limitations of the basic Federal grant formula; however, municipalities, which receive only a partial grant in relation to their full entitlement from the Federal allotment because of nonavailability of Federal funds, may receive the remainder from State funds.

The commissioner is to report annually to the water resources commission on these two programs.

Applications for previously authorized State assistance now pending with the superintendent of public works may be approved up until October 1, 1962, and any not approved by that date shall lapse. Records on these projects are to be transferred to the commissioner of health. (Ch. 320, Laws 1962.) New section to new title 9, article 12 of the public health law provides:

Assistance for operation and maintenance of municipal sewage treatment works

During each of the 10 successive fiscal years of a municipality beginning with the fiscal year starting on June 1, 1962, the commissioner of health shall provide State assistance to each municipality, or municipalities working together, in the amount of one-third of the amount expended by the municipality for the operation and maintenance of its sewage treatment works.

Municipalities must submit (1) audited costs of plant operation, (2) reports on plant performance and effect on receiving waters, (3) evidence that the plant is under qualified operator supervision, (4) evidence that tributary area sewage reaches the plant for processing, and (5) evidence that the plant is and has been constructed in substantial compliance with plans approved and on file with the commissioner.

The commissioner shall make an annual inspection of operating conditions and results at each sewage treatment plant for which State assistance is granted. He shall, in addition, promulgate necessary rules and regulations including standards of operating efficiency for sewage treatment works, based on the best usage of the receiving waters, type of treatment provided, and available dilution. (State assistance is estimated to amount to \$6.6 million for the first full year and increase to \$11.8 million in the 10th year.) (Ch. 321, Laws 1962.)

Ohio.—An emergency village capital improvement rotary fund created to be used to make advances to those villages only which do not have an existing municipal sewerage system, to pay all or part of the cost of preparing plans for construction, among other things, of sewage treatment works. When the bonds of the village for such construction are sold it must repay the advance. (Senate bill 265, 1957 Laws of Ohio.)

Oregon.—Small municipalities (not more than 3,500 population) certified by the State sanitary authority (the pollution control agency within the State board of health) as being in need of "sewerage systems" and unable to sell their bonds on the public market or to obtain satisfactory offers therefor, may apply to the State bond commission for financing the costs of the projects (purchase their bonds). A "State sewer bond revolving fund" of \$1,655,000 has been established for this purpose.

BACKGROUND

The Oregon legislation on this subject was first enacted in 1949, and has been amended and extended in 1951, 1953, 1955, 1957, and 1959.

The 1949 act applied to municipalities of not more than 2,500 population and appropriated the sum of \$1,500,000 in a revolving fund known as State sewer bond revolving fund. (Ch. 500, Laws of 1949.)

¹ State funds have not been appropriated to implement this provision.

The act of 1951 transferred, as of October 1, 1951, from this fund the sum of \$750,000 to the general fund of the State for general State purposes. (Ch. 299, Laws of 1951.)

The 1953 act made it applicable to municipalities of not more than 3,500 population. (Ch. 287, Laws of 1963.)

A further act in 1953 amended the appropriation sections of the 1949 and 1951 acts by appropriating to the revolving fund the total of \$1,750,000. (Ch. 459, Laws of 1953.)

The act of 1955 transferred the sum of \$60,000 from the State sewer bond revolving fund to the State sanitary district sewer bond fund to be used by the bond commission for investment in bonds of sanitary districts which have an assessed valuation of not more than \$250,000 and which are unable to sell their bonds at interest not in excess of 4 percent. (Ch. 577, Laws of 1955.)

An act of 1957 increased this amount to \$70,000 and a further act of 1957 increased it to \$95,000. (Ch. 702, Laws of 1957 and ch. 14, sp. sess. Laws of 1957.)

The 1959 act transferred the remaining uninvested and uncommitted funds from the State sewer bond revolving fund to a new sanitary district sewerage system revolving fund. The new fund is to be used in purchasing the bonds of any sanitary districts, with a valuation in excess of \$750,000 which has not been able to sell its bonds at a rate below 5 percent interest. Repayments of principal are to be recredited to the State sewer bond revolving fund to be used to aid municipalities as originally provided. (Ch. 425, Laws of 1959.)

Pennsylvania.—Municipalities and municipal authorities which have provided sewage treatment facilities since 1937 are to receive from State funds annually an amount up to 2 percent of the cost (1) for the acquisition and construction of the sewage treatment plants and (2) for the repair, improvements, or additions to plants constructed before 1937 toward the cost of operating, maintaining, repairing, replacing, and other expenses relating to sewage treatment plants. Pumping stations and intercepting sewers which are an integral part of the treatment facilities are included in the definition of "construction."

The program is administered by the State department of health. To date, \$14,138,038 have been appropriated for this purpose. (Laws of Pennsylvania, 1953, Act 330; 1962, House bill 11, approved Mar. 7, 1962.)

Funds have also been appropriated to the department of health for grants of a share not to exceed 50 percent of the cost of planning waste treatment works by municipalities, municipal corporations, and private corporations (Laws of Pennsylvania, 1945, Act No. 82-A).

Vermont.—A fund of \$3 million (established by a State bond issue) was authorized to encourage water pollution control at the local level through State aid for the construction of sewage treatment plants by municipalities.

Each municipality after having voted funds in a specific amount to construct or substantially improve a sewage treatment plant may make application to the State water conservation board for State aid. After reviewing the application and plans and finding that the facilities are necessary and of proper type, the board shall award 20 percent of the cost of construction not including any amount derived from private sources (Act No. 293, Laws of Vermont, 1957; Acts Nos. 128 and 260, Laws of Vermont, 1959; H. 191, approved May 14, 1963).

The Vermont State Water Conservation Board may make available to any municipality in the State such assistance as may be requested of it in matters relating to surveys, studies, and plans for pollution abatement work (Act No. 184, Laws of Vermont, 1957).

Mr. Harsha?

Mr. HARSHA. I have some questions.

Mr. BLATNIK. Could you make them brief?

Mr. HARSHA. Mr. Chairman, Mr. Secretary, let me say that never in my brief time here have I been so impressed and so refreshed by a witness from the Federal Government who is as able and forthright and fair as you are.

I want to join my friend from Pennsylvania over there, Mr. Clark, in saying that I certainly would have no compunction whatsoever in recommending you for this new position, or any other position, for-

that matter, in the Federal Government, if I were called upon to do so.

Off the record.

(Discussion off the record.)

Mr. QUIGLEY. In this bill I think I would have to back away a little bit from that. I think my testimony was, and the position of the Secretary is, of the two versions of section 2, we come down on the side of the Senate version rather than the House, despite the fact, as I indicated in my initial statement, that it is the Secretary's present intention that if this bill passes, or this law passes, he would organize the new administration pretty much along the lines as is mandated by the House version of section 2.

Mr. HARSHA. As I understand, under existing law there is an Assistant Secretary at the head of this program with an enforcement officer, and a Mr. Callum, I believe—

Mr. QUIGLEY. Mr. McCallum is the Chief of the Water Pollution Control Division in the Public Health Service.

Mr. HARSHA. Yes. Can you tell me what, with this proposed change that you recommend, you can do that you cannot now do?

Mr. QUIGLEY. Basically, I think the same authority that exists now with the Secretary and which has been delegated in part to be as Assistant Secretary, and in greater detail in the day-to-day operations to the Public Health Service, the same authority would exist and be implemented, carried out by the new administration.

Mr. HARSHA. In what way will it improve the program?

Mr. QUIGLEY. It would improve the program I think primarily because it would give a conspicuous identification, the status of a separate administration. It would give to the water pollution control program in this country the kind of upgrading that a lot of people for a long time have been urging and suggesting.

Mr. HARSHA. Can that not be done now administratively?

Mr. QUIGLEY. Yes, it could, and the Secretary has had a variety of proposed administrative arrangements under study and under review. Technically, this could be done by administrative action under the present law.

Mr. HARSHA. Would you have any position or preference as to whether or not the Secretary would do this now administratively rather than change the law?

Mr. QUIGLEY. I think it is clear that the Secretary is supporting the bill as I testified today.

Mr. HARSHA. Will this not in effect cause a splintering of the program again, because I assume that the Public Health Service will retain primary responsibility for research, investigation, and so forth; will it not?

Mr. QUIGLEY. I think in my opening statement, sir, I made it clear that it is the present intention, the announced intention of the Secretary, that if this legislation passes he would transfer to the new administration all of the authorities contained in the act, and the activities that would be carried on by the Public Health Service in research which impinge or touch upon water pollution would be those they could carry out under their basic research authority under Public Health Service law.

Mr. HARSHA. I thought I understood you to say the Secretary would retain certain functions.

Mr. QUIGLEY. He has all the functions as the law now exists; the authority for this program is vested in a Secretary. The question is we are suggesting that if he be given the freedom which was provided to him, the leeway that is provided to him under the Senate version of section 2, at some future date, on the basis of the study that the President has directed to be made, or other developments, he would have the flexibility to make some revisions without the necessity of sponsoring legislative change.

Mr. HARSHA. Can you tell me, or provide for the record, how many States have requested this section on Federal standards?

Mr. QUIGLEY. I am not so sure that I can provide that information. I have no way of knowing whether this information—it has come to our attention in a number of instances, but I do not know that I could supply this.

Mr. HARSHA. Then can you tell us how many States are opposing the standards section?

Mr. QUIGLEY. I think adversely and conversely we could supply those we are aware of, but I am being hesitant because I am not so sure we would be aware.

Mr. CRAMER. Will the gentleman yield on that point?

Mr. HARSHA. Yes.

Mr. CRAMER. You mean this bill is being proposed without the States having been asked what their opinion is—in that this has been a partnership approach—what their opinion is with regard to the Federal Government setting the standards, and this specific proposal?

Mr. QUIGLEY. No; what I am suggesting is the proper function of this Department of the Federal Government, and the proper function of the State is to make their views known to the committees of the Congress rather than to us. We may be completely aware, we may be in a position to give a detailed answer to your question. What I am suggesting is we might not know.

Mr. BLATNIK. Will the gentleman yield just for a point of information?

Mr. CRAMER. Yes.

Mr. BLATNIK. The Association of State and Interstate Water Pollution Control Administrators was represented a little over a year ago in the hearings and they will have a witness testifying, I hope, this afternoon. If we ever get through this lengthy interrogation, you will have an opportunity to hear their point of view.

Mr. CRAMER. The reason I asked if you would yield is the State of Florida is very much opposed to the Federal Government setting standards and also setting up a new agency and taking it out of the experienced hands of the Public Health Service. I think the gentleman is familiar with that.

Mr. QUIGLEY. I am familiar with Mr. Lee's testimony, and I have had conversations with him about this.

Mr. HARSHA. One thing that concerns me very much, Mr. Quigley, is this authority to set standards on interstate waters or portions there. In Ohio every watershed ultimately empties either into Lake Erie or the Ohio River, thus, they are portions of interstate waterways. Actually, this would give you the authority to set Federal standards on the waterways, of every body of water in the State of Ohio. This would allow the Federal Government to set standards throughout the

State of Ohio. To this effect, the Federal Government will be preempting the State of Ohio in this field, and I do not think you are going to have the cooperation of the State in this, because I think the Supreme Court has held quite frequently that the Federal Government and the State cannot simultaneously occupy the same field. And, therefore, you are going to find the States dropping out of this picture, and the Federal Government is going to wind up determining the complete use of the waterway, and, of course, the economic capability of the land in the ultimate.

Mr. QUIGLEY. Let me answer that by saying I do not know whether the situation is as you have described it in the State of Ohio, or in my own State of Pennsylvania. I recognize that the impact of this standards section could be different in different States. I do not think, for example, that it would have a tremendous impact in the State of California or State of Florida, or perhaps the State of Michigan.

In a State like Ohio or Pennsylvania, it could be considerable. Even so, this does not necessarily put us on a collision course. As I indicated in answer to Mr. Cramer's questions, if the State of New York, or any other State, is doing a good job, perhaps a better job than we could do, there is no reason why we should try to crowd them out.

Mr. HARSHA. All right, but we get to this point: Suppose the State of New York has more stringent standards than you do, and the individual or the municipality, or industry—whatever it may be—violates not your Federal but your State standards.

If they are in conflict with your Federal standards, then the State tries to enforce its standards, and they get into court and the court says the Federal Government has already preempted this under previous decisions, you both cannot occupy the same field.

Then the State, for all practical purposes, has no program.

Mr. QUIGLEY. I do not read the language in the standards section as working that way at all. If there is any question of preemption here, I think we should make it clear in the legislative record and in the report.

Mr. HARSHA. Mr. Secretary, am I not correct, the States, if they wish to have higher standards—which they have a right to do now—to certain standards they want, far above what they feel are their own requirements, and consistent State policies in the field of conservation and water use, whatever it may be—there is nothing to prevent the States from raising the standards above the levels set by the Federal Government, is there?

Mr. QUIGLEY. Nothing at all, and I would hope there would be nothing in this bill that could be so construed. There is so much to do here that we are not fighting people for the honor.

Mr. HARSHA. I hope my fears are wrong.

One last question, and that is this: You have indicated—and I think you are quite right in this—that there will be various standards, probably a multiplicity of standards, for one particular river because of the different situations that exist. Is this going to create a tremendous problem, a tremendous burden on the Federal Government, because you are going to have to be continually diagnosing the condition of a river? Even after you establish your standard, you will not know

that is the answer until after you have diagnosed the condition of the river and made a determination of it, and I think you are going to have, where you have one problem now, many problems, problems of all the 50 States, and we are going to wind up with a bureaucracy larger than the Department of Agriculture before this thing is over.

Mr. QUIGLEY. I do not belittle the fact that we would be confronted with some formidable administrative problems in trying to carry out this standards section. It is going to be a big job; it is going to be a tough job. I just happen to think it is a necessary job.

I would hope in more instances than not the States would recognize this as not an effort to crowd them out of the picture, but one more opportunity to work together and, if standards can be agreed upon by the State and the Federal Government, I would hope in most instances they would be uniform, we would agree, and they would agree, if they are State and Federal standards, they will be the same, rather than conflict.

I would hope in most instances the policing, the actual supervision on a day-to-day basis would be left to the State agencies.

Mr. HARSHA. The unfortunate part is, Mr. Quigley, you will not always be the administrator.

Mr. QUIGLEY. I do not know whether that is unfortunate or not. I think I could come up with some minority views on that point.

Mr. McEWEN. Mr. Chairman, may I?

Mr. BLATNIK. Mr. McEwen.

Mr. McEWEN. Mr. Sweeney spoke of his concern over Lake Erie. My district is adjacent to the eastern end of Lake Ontario and the St. Lawrence Valley.

All of our streams flow into one or the other of these bodies of water. I note that this bill is applicable to interstate waters. Would this authority extend to the waters of the Great Lakes and the St. Lawrence and the tributary streams?

Mr. QUIGLEY. I have a mental map in front of me, and I am not so sure how accurate it is. I would be inclined to think—this is what caused me to hesitate when Mr. Harsha raised the question about Ohio. I think clearly we would cover the Ohio. I am not so sure about covering the streams that would flow toward the lakes, although it could be that we would cover the St. Lawrence as an interstate stream, but perhaps not many of the others.

Mr. McEWEN. I wonder, in view of the International Boundary Waters Treaty of 1909—I believe there has been a reference made to the International Joint Commission on the subject—I wonder what the authority of the Secretary would be under the definition of interstate waters in the existing law and his authority to promulgate regulations?

Mr. QUIGLEY. May I make this point: I think the question is well taken. Let me read it to you. It says:

The term "interstate waters" means all rivers, lakes, and other waters that flow across or form a part of State boundaries, including coastal waters.

I am not quite certain, as I sit here, maybe I am just getting tired—what that means, and I think the committee would be very well concerned that we understand what is embodied in this.

Mr. McEWEN. It does speak of State boundaries, and it does speak of coastal waters.

Mr. QUIGLEY. You have the international boundary line there, too.

Mr. McEWEN. We have in the five Great Lakes and the St. Lawrence River vast areas of water, with which Mr. Sweeney is concerned, and many of us are concerned, as far as existing pollution and the threat of even more pollution, and we are aware of this boundary waters treaty of 1909. The reference, I think, has already been made by the Governments of Canada and the United States to the International Joint Commission, and I wondered what the Secretary's authority under the present law, and under this proposed bill, would be in relation to these boundary waters.

Mr. BLATNIK. We will get the correct information for you for the record. I think I am correct in saying the boundary waters would come under the jurisdiction of the International Joint Commission. Its jurisdiction extends to all aspects of waters which form boundaries between two countries.

Mr. McEWEN. In other words, it would be your view the Secretary could not promulgate standards on those waters that are boundary waters?

Mr. BLATNIK. No. But he could call them to the attention of the Department of State and of the U.S. members of the International Joint Commission. Our members would attempt to take it up with the Canadian authorities or their counterparts.

If there are no further questions, Mr. Secretary, I, too, and the members of the committee, thank you for a very extensive and exhaustive presentation and interrogation on a subject which is becoming increasingly more and more complex, becoming of greater and graver importance. There is a growing awareness throughout the country that sooner or later this must be met with and that we will face an impossible situation, unless we start taking steps now.

I commend you on your knowledge of the subject matter, and particularly on the very technical points covered, and the legal and procedural matters. We will discuss these in further detail in executive session and in consultation with the legal staffs of your Department and the committee.

To Mr. Ellenbogen and Mr. Coston, your associates, we extend our sincere thanks for their assistance.

Mr. QUIGLEY. Thank you, Mr. Chairman. We appreciate the opportunity.

(The following was furnished by insertion:)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
February 18, 1965.

HON. GEORGE H. FALLON,
Chairman, Committee on Public Works,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request of February 5, 1965, for a report on H.R. 3988, a bill to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes.

The bill would amend the Federal Water Pollution Control Act (33 U.S.C. 466) as follows:

1. It would state the act's purpose to be the enhancement of the quality and value of the Nation's water resources and the establishment of a national policy for the prevention, control, and abatement of water pollution.

2. Overall responsibility for administration of the act would continue to be vested in the Secretary, but the bill would establish within this Department a Federal Water Pollution Control Administration through which the Secretary would administer the act. The Secretary would appoint and, with the assistance of an Assistant Secretary designated by the Secretary, would supervise and direct the head of the new Administration (as well as the administration of other functions of the Department related to water pollution). An additional Assistant Secretary position for this Department would be provided by amending section 2 of Reorganization Plan No. 1 of 1953.

3. It would authorize grants to States, municipalities, or intermunicipal or interstate agencies to assist in projects, which will demonstrate new or improved methods of controlling the discharge of untreated or inadequately treated wastes from storm sewers or combined storm and sanitary sewer systems. For that purpose, it would authorize appropriations of \$20 million for each of 4 fiscal years, beginning with the present fiscal year ending June 30, 1965, but no single grant could exceed 5 percent of the annual authorization; i.e., \$1 million.

4. It would increase the limitations on grants for assisting municipalities in the construction of waste treatment facilities from \$600,000 to \$2 million in the case of a single project and from \$2,400,000 to \$6 million for a multi-municipal project in which two or more communities join. Additionally, it would authorize a 10-percent incentive increase in the amount of a grant for a project which is certified as conforming with a plan of development for the metropolitan area in which the project is located.

5. It would authorize us to prepare, in consultation with affected interests, regulations setting forth standards of water quality (taking into account all legitimate water uses) for specific interstate waters or portions thereof, and to promulgate them if the appropriate States and interstate agencies have not developed consistent standards of quality within a reasonable time. And it provides that the violation of such promulgated Federal standards, or of State or interstate standards that are consistent with Federal standards proposed but not promulgated, is subject to abatement under the existing enforcement provisions.

6. It would direct the initiation of Federal enforcement action (by calling a confidence) to abate pollution which results in substantial economic injury from the inability to market shellfish or shellfish products in interstate commerce "because of [such] pollution and action of Federal, State, or local authorities."

7. It would empower the Secretary or his designee to administer oaths and to compel by the issuance of subpoenas the presence of witnesses and the production of evidence that relates to any matter under investigation in connection with the exercise of the Federal enforcement authority.

8. And it would require recipients to keep adequate cost records in regard to grant assistance provided under the act and authorize audit and examination of such records by the Comptroller General as well as this Department.

In proposing in his state of the Union message (H. Doc. 1, 89th Cong.) delivered to the Congress on January 4, 1965, "that we end the poisoning of our rivers," President Johnson committed this administration to a more vigorous and intensified effort in resolving the serious national water pollution problem. The President defined three major approaches for meeting the challenge, in recommending legal power to prevent pollution before it happens; in calling for a stepped-up effort to control harmful wastes, giving first priority to the cleanup of our most contaminated rivers; and in pledging that we will increase research to learn much more about the control of pollution.

In his message on natural beauty, delivered to the Congress on February 8, the President further described the administration's recommendations for strengthening the water pollution control program. H.R. 3988, as above outlined, would take welcome steps in that direction. While we expect to present additional legislative proposals on this subject with a view toward further accomplishment of the President's recommendations, we believe that they will be in harmony with the objectives of H.R. 3988.

The bill before you differs in several respects from S. 4, passed by the Senate on January 28; but its objectives are identical.

1. Section 2 of H.R. 3988 would require that the entire Federal Water Pollution Control Act be administered by the Secretary through the new Water Pollution Control Administration; section 2 of S. 4 would leave discretion with the Secretary with respect to placement of certain parts of the program. If legislation is enacted to establish a Water Pollution Control Administration, the

Secretary plans to transfer all functions encompassed under the Water Pollution Control Act, except for such limited functions as may be retained by the Secretary, to the new Administration. It is the definite intent, therefore, to operate as envisaged by section 2 of H.R. 3988. However, it would be administratively preferable to authorize the Secretary to have a reasonable degree of flexibility to make adjustments in this assignment of functions if experience dictates.

The need for such flexibility is emphasized by the recent statement of the President in his message on natural beauty in which he said: "I have instructed the Director of the Bureau of the Budget and the Director of the Office of Science and Technology to explore the adequacy of the present organization of pollution control and research activities." In the event that it should become the conclusion of that study that, for example, certain of the research activities relating to water pollution could more effectively be performed, in whole or in part, by another organization than the Water Pollution Control Administration, the Secretary should be able to make such a reassignment of function without asking for a change in law. For this reason we would prefer the minimum degree of specificity as to which functions the Secretary is required by law to vest in the Water Pollution Control Administration beyond the minimum functions which justify its establishment.

We should be glad to work with the committee in carrying out this recommendation. We are, however, enclosing at this time perfecting language for this section and the related first section of the bill designed to carry out more clearly the bill's intent in this connection in its technical aspects, including power to the head of the Water Pollution Control Administration to delegate authority.

We are also attempting to work out with the Bureau of the Budget and the Civil Service Commission as quickly as possible—with a view to suggested incorporation in the bill—such provisions as may be desirable to meet a transitional personnel problem (which we shall explain in our testimony) arising out of the necessary transfer, to the new Water Pollution Control Administration, of Public Health Service commissioned officers (mostly sanitary engineers) whom the new Commissioner will need because of their expertise in this field and over whom he should have the full control that he would have if their status is converted to civil service status and they are therefore not accountable to the Surgeon General.

2. Section 4 of H.R. 3988 would increase the grant ceilings on waste treatment construction projects from \$600,000 to \$2 million for single projects, and from \$2.4 to \$6 million for combined projects. Section 4 of S. 4 would increase these ceilings to \$1 million and \$4 million, respectively. Increases in these ceilings without a corresponding increase in the overall authorization of \$100 million would, of course, reduce the total number of projects which can receive Federal financial assistance. We believe that some increases in project grant ceilings are necessary at this time if the needs for waste treatment facilities in larger communities are to be met. The overall authorization for this grant program expires in 1967, and further attention should be given to this matter when the question of renewing the program is considered. We would at this time recommend enactment of the smaller increases provided in S. 4, without prejudice to reconsideration of the matter in connection with any legislation proposing extension of the program.

3. H.R. 3988 would provide subpoena power to the Secretary with regard to enforcement cases. This provision is not in S. 4. We recommend enactment of this provision as necessary to efficient administration of the enforcement provisions.

4. Certain differences in the provisions establishing authority for promulgating water quality standards appear in the two bills. While the language of S. 4 appears to be slightly more restrictive in its establishment of procedures, the differences are not substantial enough to give preference to one version over another.

However, two things should be noted. We are advised by counsel that, while the bills declare that the discharge of matter into interstate waters so as to reduce their quality below such standards is subject to abatement, additional amendments to other parts of the enforcement section are needed to give effect to that declaration. Suggested language for that purpose is enclosed herewith. Secondly, even with these minimum amendments, the law would still fall short of carrying out the President's recommendation that standards be "combined with a swift and effective enforcement procedure" so as to provide "a national program to prevent water pollution at its source rather than attempting to cure

pollution after it occurs." As above stated, we hope to develop and submit, as soon as possible, proposals to accomplish this objective in a way consistent with the present bills. We believe it important that action on the present bills not be delayed to await those proposals. The committee may, however, wish to consider whether, in view of the extended and plenary conference, hearing, and court procedures that the act requires for pollution abatement, the additional full-blown hearings that the bills would require instead of the rulemaking procedures of section 4 of the Administrative Procedure Act amendments..

5. S. 4 contains a floor amendment requiring that all information, copyrights, uses, processes, patents, and other developments resulting from federally financed research or development under the act be made freely available to the general public. While in most instances the basic policy of this provision in regard to inventions and discoveries appears to be generally in line with the policy of the administration as it applies to our Department, it is possible that some instances of conflict could occur. Accordingly, we would prefer to operate under the existing policy directive rather than by statutory directive.

To summarize, the additional proposed authorities embodied in H.R. 3988, with the modifications above suggested would, in our opinion, strengthen and improve the coordinated Federal-State-local program for water pollution control, prevention, and abatement. We favor, therefore, with these changes, the enactment of this legislation as necessary and desirable for the effective protection and conservation of the quality of the Nation's water resources.

We are advised by the Bureau of the Budget that there is no objection to the submission of this report from the standpoint of the President's program and that the enactment of legislation along these lines would be in accord with the program of the President.

Sincerely,

WILBUR J. COHEN,
Assistant Secretary.

Mr. BLATNIK. The hearing will be recessed until 2 o'clock this afternoon.

We will begin at that time with our colleague, Mr. Emilio Daddario. Our apologies for keeping you waiting so long, and our thanks for agreeing to appear later.

(Whereupon, at 1 p.m., the committee recessed, to reconvene at 2 p.m., the same day.)

AFTERNOON SESSION

Mr. BLATNIK. The House Public Works Committee will please come to order for the continuing public hearings on H.R. 3988, S. 4 and related bills, proposed amendments to the Federal Water Pollution Control Act.

This afternoon, the next witness is our able colleague and good friend, the Honorable Emilio Q. Daddario, from the State of Connecticut.

Congressman, I believe you wish to testify in particular to the section in S. 4 that relates to property rights of inventions. Is that correct?

STATEMENT OF HON. EMILIO Q. DADDARIO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CONNECTICUT

Mr. DADDARIO. That is correct, Mr. Chairman.

Mr. BLATNIK. Congressman, please, will you summarize your testimony?

I see you have a prepared statement. The time is yours. Now will you proceed with your testimony?

Mr. DADDARIO. Mr. Chairman, the measures before you are very important and I cannot imagine them to be in better hands than they are.

You and this committee have shown outstanding leadership in the past in this particular area.

I was pleased to have the opportunity to read your opening statement on the subject, and I think that one of the reasons why it is a time of widening interest, as you have put it in your statement, is because of the activity which you and the committee have shown in the past in this subject, which is of outstanding importance to the country as a whole.

It is, however, my hope that this committee will eliminate from any bill that portion of the Senate version which deals with patents, and that is the language in S. 4 which begins on page 5, line 11, and goes through page 6, line 20.

In my judgment this provision is both unnecessary and unwise.

The language I have referred to, which would have the effect of turning over to the Government all property rights to any inventions which may evolve—in whole or in part—through this legislation, is an amendment added on the Senate floor by Senator Long of Louisiana.

It is a provision which was never considered in committee, which the Senate never saw until it was time to pass the bill, and which received virtually no debate considering the complexities of the subject.

I would like to add, the debate did not, in fact, go so much into the substance of the amendment as into the procedure which brought it to the floor. Of course, there has been some precedent through similar provisions in prior legislation. But the method is always the same. No legislative committee ever holds hearings on the provision. The Senator from Louisiana offers the amendment on the floor. There is no debate, and the amendment is normally adopted on voice vote.

I talked about a whole series of amendments of this kind because this is not the only bill to which this amendment has been added. There has been a series of this over the course of years.

Twice the House acted in the last Congress, for example, to strip such amendments of their effect, and I participated in that action.

Now, Mr. Chairman, I do not oppose this provision because my goals are different from those of Senator Long. Indeed, they are undoubtedly similar—in essence, the protection of the American public and the improvement of our national economy. But I know from the comprehensive inquiry on space age patents which our committee has been forced to undertake over a period of more than 5 years that this provision which I am discussing here will neither protect the public nor improve the economy. Quite the contrary, it is damaging to both.

It is not my intent to take your time today with a long recitation of the pros and cons of Government versus private ownership of inventions. That argument is highly complicated and is set out in great detail in lengthy hearings and reports of our Subcommittee on Patents and Scientific Inventions, as well as the many studies made by the Patent and Trademark Subcommittee of the Senate Judiciary Committee. But I would like to describe the status and procedures of the matter so that the Members of the House will understand how much progress has been and is being made and how detrimental such provisions as this one is to the objectives of the legislation before you.

Prior to the Atomic Energy Act of 1946, no Federal department or agency was required by its organic act to handle rights to inventions

growing out of its activities in any special way. This was left up to the agency, which could bargain for any patent right it wanted. As a matter of practice it was found most expedient to secure for the Government a royalty free, irrevocable license to use, make or employ such inventions—either through the inventor-contractor or any other party chosen by the Government. Today every entity of Government always secures this right. Usually this is all the Government wants, needs, or can use. In such cases title to the invention itself is left to the contractor—and he can patent it, if it is patentable, subject always to the Government's right to use it without charge.

Beginning with the creation of the AEC, and as a result of the 100 percent Federal funding of atomic research up to that time, the picture began to change. Security problems and the public equity required greater Federal rights than the usual ones. So Congress wrote in certain requirements for Government ownership of inventions arising out of AEC contracts. When the National Science Foundation was formed in 1950, Congress also put in a "patent clause" but merely directed the National Science Foundation to consider all the equities in deciding how to handle inventions arising from its grants. In 1958 the National Aeronautics and Space Act contained a clause similar to that of the Atomic Energy Act.

Except in these three instances, no Federal agencies are under any organic act requirement to handle patents one way or the other—although a number of other laws directed to specific research, such as medical, agricultural, or natural resource research and development, do stipulate the manner of treating rights to federally sponsored inventions.

The patent provision of the NASA Act, which deals not with a limited field, such as atomic energy, but a very broad one, nor with a permissive patent policy such as allowed in the National Science Foundation, has caused a great deal of difficulty and endless administrative problems with NASA's contractual relations. As a result, our committee has held exhaustive hearings looking for reasonable and effective ways to amend the law. At the same time, the Senate Judiciary Patent Subcommittee has been looking at the same problems across the board for several years. Senator Long's own Small Business Subcommittee has also looked at some phase of the matter, and that is the Monopoly Subcommittee which he heads.

Partly because of this congressional ferment and partly because of growing executive difficulties with a patchwork patent policy, President Kennedy, in October 1963, issued a formal order on Government patent policy. The new policy was designed to bring consistency and balance to Federal handling of property rights in inventions arising in some degree through Government contracts. The Kennedy order was not arrived at without wide discussion and advice. In general, it provides well-thought-out guidelines which the executive departments are to follow in determining the equitable disposition of property rights in inventions as between the Government and its contractors. Under it, both the public and private enterprise are protected.

The Kennedy order provided for its own review and regular re-evaluation. The first of these has now been completed by the President's Patent Advisory Panel the memorandum established and was

issued as an interpretive statement of the order in December 1964. President Johnson has thus, by following through in this area, endorsed the Kennedy order and designated it as the official guide on patent policy for all executive agencies.

Mr. Chairman, I would like to offer for inclusion in the record at this point a copy of the Presidential order on Government patent policy together with its interpretive statement, and I have also some of these for each of the members of the committee. We have given those to your staff.

(The statements follow:)

FEDERAL COUNCIL FOR SCIENCE AND TECHNOLOGY, PATENT ADVISORY PANEL, U.S.
DEPARTMENT OF COMMERCE, WASHINGTON, D.C.

On January 8, 1965, the Chairman of the Patent Advisory Panel forwarded the attached interpretive statement to the heads of the Federal departments and agencies which have research and development responsibilities. The covering letter contained the following statement:

The memorandum and statement of Government patent policy issued by the President on October 10, 1963, promulgated a Government-wide policy with respect to rights to inventions resulting from Government-contracted research and development, and set forth basic principles to be followed by all Federal departments and agencies, except where otherwise provided by statute.

It recognized that the detailed administration and implementation of the policy statement are the responsibilities of the individual departments and agencies. However, the Patent Advisory Panel, established by the policy statement, was called upon "to develop, by mutual consultation and coordination with the agencies, common guidelines for the implementation of this policy."

In order to achieve more uniform interpretation and consistent application of the criteria set forth, the agencies which have research and development responsibilities reached general agreement on common guidelines for use in interpreting the policy statement. The enclosed interpretive statement reflects this agreement, and is forwarded for the guidance and assistance of your agency in the administration of the President's policy statement.

INTERPRETIVE STATEMENT ON THE PRESIDENT'S MEMORANDUM AND STATEMENT OF
GOVERNMENT PATENT POLICY

INTRODUCTION

The President's memorandum and statement of Government patent policy issued on October 10, 1963, (28 Federal Register 10942-10946, Oct. 12, 1963) promulgated a Government-wide patent policy to be followed by all Federal departments and agencies, except where otherwise provided by statute. The policy statement provided for the establishment of the Patent Advisory Panel under the Federal Council for Science and Technology for the purpose of (a) developing by mutual consultation and coordination with the agencies common guidelines for implementing the policy and providing overall guidance as to the disposition of invention and patent rights, (b) encouraging the acquisition of data for use in policy review and development, and (c) making recommendations on the use and exploitation of Government-owned domestic and foreign patents.

The Patent Advisory Panel and the subcommittees formed thereunder have been studying the President's memorandum and statement of Government patent policy and its effect on the patent policies of the various Federal departments and agencies. As a result of the Panel's activities, it has become apparent that the agencies are experiencing difficulties in interpreting various key phrases and words within the policy statement. Therefore, in order to achieve greater consistency, the Patent Advisory Panel has developed the following interpretations for the guidance of the various departments and agencies.

Various subcommittees of the Patent Advisory Panel are presently considering the application of the President's policy statement to special types of contracting situations. Therefore, additional interpretive statements may be issued in the future as necessary to further interpret or provide guidelines for implementation of the policy statement.

GENERAL APPLICATION OF POLICY STATEMENT

Section 1(a) of the policy statement sets forth contracting situations where the Government normally should acquire or reserve the right to acquire principal or exclusive rights to inventions in the public interest. For contracting situations which do not fall within the criteria of section 1(a), section 1(b) defines the conditions under which the contractor normally retains principal or exclusive rights. Contracting situations which do not fall under section 1(a), and do not meet the conditions of section 1(b), are handled in accordance with the provisions of section 1(c). Sections 1(a) and 1(b) deal with the allocation of patent rights at the time of contracting, whereas section 1(c) prescribes deferment of the patent rights allocation until after the invention has been identified.

PRINCIPAL OR EXCLUSIVE RIGHTS UNDER SECTION 1(a)

“* * * the Government shall normally acquire or reserve the right to acquire principal or exclusive rights throughout the world in and to any inventions made in the course of or under the contract.”

Acquiring “principal or exclusive rights” by the Government will mean taking title to the inventions in question in most cases, but, where it appears to be desirable in the public interest, the intent of this phrase can be fulfilled by taking those attributes of ownership to the inventions which will assure the full availability of the inventions to the Government and will assure that the Government can control the inventions, domestically and abroad, subject to the rights reserved to the contractor.

EXCEPTIONAL CIRCUMSTANCES UNDER SECTION 1(a)

“* * * In exceptional circumstances the contractor may acquire greater rights than a nonexclusive license at the time of contracting, where the head of the department or agency certifies that such action will best serve the public interest.”

This part of the policy statement recognizes that exceptional circumstances may exist, even though the contracts are of the type defined by subsections 1-4 of section 1(a). Examples of exceptional circumstances of the type contemplated by section 1(a) might be where the objectives of the research would appear to be materially advanced by leaving principal or exclusive rights to the contractor and the public interest is otherwise protected, or where the public interest will be advanced by leaving principal or exclusive rights to a nonprofit educational institution that agrees to administer inventions in a manner deemed by the agency to be consistent with the public interest.

Exceptional circumstances could also be found in regard to inventions identified at the time of contract, for example, when the contractor has established substantial equities at his own expense in the development of the invention.

GREATER RIGHTS UNDER SECTION 1(a)

“* * * Greater rights may also be acquired by the contractor after the invention has been identified, where the invention when made in the course of or under the contract is not a primary object of the contract, *provided* the acquisition of such greater rights is consistent with the intent of this section 1(a) and is a necessary incentive to call forth private risk capital and expense to bring the invention to the point of practical application.”

The policy statement also allows greater rights to be given to the contractor after the invention has been identified where (1) the invention is in a technical field which is not directly related to a primary object of the contract, (2) the invention is not of the type intended to be covered by section 1(a), and (3) such rights are a necessary incentive to call forth private risk capital and expense to bring the invention to the point of practical application. Even where the invention is in a technical field which is directly related to a primary object of the contract, but is also susceptible of uses outside of that contemplated by the contract, greater rights could be left with the contractor for such uses provided that, with respect to such uses, the acquisition of greater rights is consistent with the intent of section 1(a) and is a necessary incentive to call forth private risk capital and expense to bring the invention to the point of practical application.

SUBSECTION (a) (1)

"* * * a principal purpose of the contract is to create, develop or improve products, processes, or methods which are intended for commercial use (or which are otherwise intended to be made available for use) by the general public at home or abroad, or which will be required for such use by governmental regulations;"

This subsection is intended to cover those situations where a principal objective of the contract work is the development of knowledge, a product or process for use by the public. On the other hand, when the purpose of a contract is for the development of products or processes intended for military or other Federal Government uses, and not for use by the general public, the contract would not fall within this subsection even though some inventions developed under such contracts may have some incidental commercial uses.

Examples of situations falling within this subsection would be the development by the Government of improved fertilizers, material handling equipment for particular agricultural industries, and civil defense equipment.

SUBSECTION 1 (a) (2)

"* * * a principal purpose of the contract is for exploration into fields which directly concern the public health or public welfare;"

The principal difference between this subsection and subsection (1) is that this subsection covers contracts whose purpose is to conduct research in fields which directly concern the public health or welfare, and, therefore, it is immaterial whether or not the object to be achieved under the contract is intended for use by the public. Rather, the test is whether the field being explored under the contract is directly concerned with the public health or welfare, and contracts for the development of military items, as well as for civilian items, will be included as long as this test is met.

The phrase "public health or public welfare" is not intended to be so broadly interpreted as to include all research supported by the Federal Government. Health and welfare is intended to cover those fields which directly relate to man's continued existence, as distinguished from his comfort, and therefore would basically include (1) medicines, instruments, and processes for the treatment of disease, (2) those items necessary to his body, as air, water, and food, and (3) items of public safety, as opposed to items of a purely military or governmental nature. Examples in the public health field would be contracts for research on drugs, medical instruments, or prosthetic devices. Examples in the public welfare category would include water desalting, air safety, and weather modification and control.

SUBSECTION 1 (a) (3)

"* * * the contract is in a field of science or technology in which there has been little significant experience outside of work funded by the Government, or where the Government has been the principal developer of the field, and the acquisition of exclusive rights at the time of contracting might confer on the contractor a preferred or dominant position;"

The application of this subsection requires that two criteria be met: that the contract be in a field of science or technology which has been principally funded or developed by the Government; and that the acquisition of exclusive rights at the time of contracting might confer on the contractor a preferred or dominant position. The intent of this subsection is to guard against the possibility of a contractor being placed in a preferred or dominant position through patents in a scientific or technological field when the same has been wholly or largely developed by the Government. The prime example of the type of situation which was intended to be covered by this subsection was the field of atomic energy. This field was virtually unexplored when the Government took over the entire research and development effort, and for reasons of security and the large-scale development costs involved, the basic research and development work was contracted to but a relatively few contractors. To have allowed any company to obtain a dominant position in such a field of science which was almost totally Government-supported would have inequitably placed that company in a position of patent dominance in the field of atomic energy merely because of Government contracts.

The scope and application of this subsection will largely depend upon the interpretation of the phrase "field of science or technology," and, therefore, it is im-

portant that this phrase be properly construed. If a very narrow construction is given, the approximate scope of the contract work description would constitute the "field of science or technology." Such an interpretation would result in the Government taking principal or exclusive rights in substantially all cases, and would be inconsistent with the intent of the policy statement. Conversely, the phrase should not be construed in a manner that would place the contractor in a preferred or dominant position in a field of science or technology created at public expense, such as atomic energy.

It should be kept in mind that this subsection deals with the field of science or technology involved in the research and development work to be performed under the contract, and not with the end product of the contract or with the system in which the end product may be incorporated. Accordingly, this subsection would not be applied merely because the contract called for the development of or improvement in military-oriented armaments or systems which have been principally or solely developed by the Government, as missile systems, military aircraft and vessels, or subcomponents thereof, unless the scientific or technological fields on which the research or development is based is of the character defined by this subsection.

The field of science or technology must be one in which "there has been little significant experience outside of work funded by the Government, or where the Government has been the principal developer of the field." This phrase is meant to define those fields of science or technology which, at the time of the contract, have been solely or principally developed by the Government, or which, being new, are without significant commercial or private history. It is, of course, the field of science or technology, as defined above, that must meet this test, and not merely the small portion thereof which may be covered by the work to be performed under the contract.

Because of the difficulties in identifying fields falling within this subsection and because the situation in a field may change, it is recommended that the agencies not leave the determination of such fields to the individual contracting officers, but identify, at the agency level, those fields or areas which should be considered as meeting the criteria of this subsection.

SUBSECTION (a) (4)

"* * * the services of the contractor are—

(i) for the operation of a Government-owned research or production facility; or

(ii) for coordinating and directing the work of others, * * *

This subsection is intended to cover situations where the contractor has little or no equity in inventions, or where retention of principal or exclusive rights would be inconsistent with his responsibility under the contract.

The first situation is where the Government owns research and development facilities, and the contractor is retained to manage and operate such facilities for the Government. This subsection is not intended to include within its scope any contract which incidentally includes the use of some Government-owned materials, facilities, equipment or the like.

The second situation is where the contractor's efforts in the research and development work is in directing and coordinating the work of others. This does not refer to the usual contractor-subcontractor relationship, but refers instead to that type of contract where an organizational conflict of interest might result. An example would be where the contractor is to provide primarily systems engineering and technical direction services in a systems contract, which involves the determination of specifications and the preparation of work statements for other contractors, and where the contractor is to perform little or no research and development work himself but has access to the work of other contractors which he coordinates.

Even though a prime contractor falls within this subsection, this would not prevent a subcontractor from obtaining greater rights where the subcontractor otherwise qualifies under this policy.

SECTION 1 (b)

"In other situations, where the purpose of the contract is to build upon existing knowledge or technology to develop information, products, processes, or methods for use by the Government, and the work called for by the contract is in a field of technology in which the contractor has acquired technical

competence (demonstrated by factors such as know-how, experience, and patent position) directly related to an area in which the contractor has an established nongovernmental commercial position, the contractor shall normally acquire the principal or exclusive rights throughout the world in and to any resulting inventions, subject to the Government acquiring at least an irrevocable nonexclusive royalty-free license throughout the world for governmental purposes."

This section is intended to cover situations other than those falling within section 1(a), where the purpose of the contract is to build upon existing knowledge and technology and develop items for use by the Government, and not to develop items for use by the general public as covered in subsection 1(a)(1). This section should be used where the contract meets the criteria above, and where the contractor has technical competence (demonstrated by factors such as know-how, experience, and patent position) in the field of technology covering the work called for by the contract, and has an established nongovernmental commercial position in an area of his business which is directly related to the same field of technology.

The criterion governing the relationship between an area of the contractor's business in which he has a nongovernmental commercial position and the field of technology covering the work called for by the contract is satisfied where (1) the contractor has a commercial business of selling goods or services in the domestic or foreign markets, outside of sales to the U.S. Government, (2) this business is based upon the same knowledge, technology, and scientific principles involved in the field of technology covering the work called for by the contract, and (3) it appears that the contractor's nongovernmental commercial position and business outlets would be directly applicable in the commercial exploitation of the inventions which are likely to result from performance of the contract work.

Where the contractor is a division of a corporation, the criteria of this section may be met even where the division works solely on Government business as long as other divisions of the corporation have nongovernmental commercial (or industrial) positions in the same field of technology. This is to achieve the fullest possible crossflow of commercial background knowledge and know-how from all segments of the corporation to the Government's research problem.

As an illustration, in a contract for the development of an improved nitrogen propellant, this section would be applicable where the contractor had a nongovernmental commercial position in the manufacture and sale of nitrogen chemical compounds, even though he has not previously manufactured and sold propellants. On the other hand, if this contractor's business in the chemical field is solely in the research, development, manufacture, and sale to the Government, then this section would not be applicable even though the contractor may have a nongovernmental commercial position in a nonrelated area, as in the manufacture and sale of commercial machinery. In the first illustration, it is very likely that a company in the business of manufacturing and selling nitrogen chemical compounds could commercially exploit, through his same sales outlets, inventions likely to result from a research and development contract involving propellants. It does not necessarily follow, however, that the contractor of the second illustration could use his commercial outlets for the sale of machinery to exploit inventions in the nitrogen chemistry subdivision of the chemical field.

SECTION 1 (c)

"Where the commercial interests of the contractor are not sufficiently established to be covered by the criteria specified in section 1(b), above, the determination of rights shall be made by the agency after the invention has been identified, in a manner deemed most likely to serve the public interest as expressed in this policy statement, taking particularly into account the intentions of the contractor to bring the invention to the point of commercial application and the guidelines of section 1(a) hereof: *Provided*, That the agency may prescribe by regulation special situations where the public interest in the availability of the inventions would best be served by permitting the contractor to acquire at the time of contracting greater rights than a nonexclusive license. In any case the Government shall acquire at least a nonexclusive royalty-free license throughout the world for governmental purposes."

Where the situations do not fall within section 1(a) or 1(b), section 1(c) stipulates that the disposition of rights normally be made after the invention has been identified.

The guidance given in section 1(c) is that the disposition be made using the policy statement's concept of serving the public interest, and particularly taking into account the guidelines of section 1(a) and the contractor's intentions of bringing the invention to the point of commercial application (meaning to the point of practical application as defined in section 4(g)). Even though the contract is not of the type defined in section 1(a), the invention, after it is identified, may be of the type which section 1(a) is attempting to reserve for unrestricted public access, and, in this case, principal or exclusive rights should be acquired by the Government.

On the other hand, where the invention is not the type intended to be covered by section 1(a), and even though the requirements of section 1(b) are not met, the contractor may be given principal or exclusive rights in certain circumstances after the invention has been identified. For example, a contractor could be given principal or exclusive rights where he has a past history of promoting the utilization of inventions through his own commercial use or by means of an active licensing program, or where he has a definite plan for bringing the particular invention to the point of practical application.

Section 1(c) also permits the granting of greater rights to the contractors in inventions resulting from 1(c) types of contracts at the time of contract in special situations prescribed by agency regulations where the public interest in the availability of the inventions would be best served thereby. An example might be where a nonprofit educational institution, which obviously does not have a nongovernmental commercial position, has a reasonable program for promoting the utilization of inventions consistent with the policy. This provision also could be used to stimulate commercial competition by encouraging Government-oriented contractors to direct their efforts toward commercial markets rather than depending solely upon Government business. Special situations may also be found in regard to a particular invention identified at the time of contract where the contractor has established substantial equities at his own expense in the development of the invention.

SECTION 1(h)

"Where the Government may acquire the principal rights and does not elect to secure a patent in a foreign country, the contractor may file and retain the principal or exclusive foreign rights subject to retention by the Government of at least a royalty-free license for governmental purposes and on behalf of any foreign government pursuant to any existing or future treaty or agreement with the United States."

Question has arisen as to the scope of application of this section, since the phrase "Where the Government may acquire the principal rights * * *" seems to apply to situations where the Government has acquired principal or exclusive rights, as well as to situations where the Government had the right to acquire such rights but elected not to do so (for example, under section 1(a) or 1(c) where the contractor is given greater rights after identification of the invention). As sections 1(b) and 1(c) set forth the license rights that the Government should acquire where the contractor retains principal or exclusive rights, Section 1(h) should be interpreted as applying only where the Government actually does acquire principal or exclusive rights under any section but does not elect to secure a patent in particular foreign countries.

SECTION 4(d)

"Contract—means any actual or proposed contract, agreement, grant, or other arrangement, or subcontract entered into with or for the benefit of the Government where the purpose of the contract is the conduct of experimental, developmental, or research work."

The word "contract" is defined to include any "proposed contract," and the question has been raised as to the point in time at which a proposed contract or other arrangement would constitute a contract within the meaning of this definition. It would seem logical, however, that the interpretation be placed on the concept of obtaining rights under a "proposed contract" when there is an understanding between the parties that a contract would be awarded.

SECTION 4(f)

"Governmental purpose—means the right of the Government of the United States (including any agency thereof, State, or domestic municipal govern-

ment) to practice and have practiced (made or have made, used or have used, sold or have sold) throughout the world by or on behalf of the Government of the United States."

The definition of "governmental purpose" has been interpreted by some as covering a State or municipal government performing a State or municipal function, and by others as covering a State or municipal government only while performing a Federal function. As Federal agencies may finance research and development programs which have as one purpose the assisting of State or municipal governments, it would seem that the full purpose of obtaining a license "for governmental purposes" in these cases could only be achieved by interpreting the license as extending to State and local governments performing not only Federal functions, but also purely State and municipal functions. However, because agencies obtain invention rights under authorities and circumstances other than the President's memorandum and policy statement, and these rights frequently extend only to the Federal Government, it is recommended that when it is intended that the Government's rights extend to State and municipal governments, this should be expressly stated.

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

(Following is the text of a memorandum from the President addressed to the heads of the executive departments and agencies on Government patent policy with statement attached:)

Over the years, through executive and legislative actions, a variety of practices has developed within the executive branch affecting the disposition of rights to inventions made under contracts with outside organizations. It is not feasible to have complete uniformity of practice throughout the Government in view of the differing missions and statutory responsibilities of the several departments and agencies engaged in research and development. Nevertheless, there is need for greater consistency in agency practices in order to further the governmental and public interests in promoting the utilization of federally financed inventions and to avoid difficulties caused by different approaches by the agencies when dealing with the same class of organizations in comparable patent situations.

From the extensive and fruitful national discussions of Government patent practices, significant common ground has come into view. First, a single presumption of ownership does not provide a satisfactory basis for Government-wide policy on the allocation of rights to inventions. Another common ground of understanding is that the Government has a responsibility to foster the fullest exploitation of the inventions for the public benefit.

Attached for your guidance is a statement of Government patent policy, which I have approved, identifying common objectives and criteria and setting forth the minimum rights that Government agencies should acquire with regard to inventions made under their grants and contracts. This statement of policy seeks to protect the public interest by encouraging the Government to acquire the principal rights to inventions in situations where the nature of the work to be undertaken or the Government's past investment in the field of work favors full public access to resulting inventions. On the other hand, the policy recognizes that the public interest might also be served by according exclusive commercial rights to the contractor in situations where the contractor has an established nongovernmental commercial position and where there is greater likelihood that the invention would be worked and put into civilian use than would be the case if the invention were made more freely available.

Wherever the contractor retains more than a nonexclusive license, the policy would guard against failure to practice the invention by requiring that the contractor take effective steps within 3 years after the patent issues to bring the invention to the point of practical application or to make it available for licensing on reasonable terms. The Government would also have the right to insist on the granting of a license to others to the extent that the invention is required for public use by governmental regulations or to fulfill a health need, irrespective of the purpose of the contract.

The attached statement of policy will be reviewed after a reasonable period of trial in the light of the facts and experience accumulated. Accordingly,

there should be continuing efforts to monitor, record, and evaluate the practices of the agencies pursuant to the policy guidelines.

This memorandum and the statement of policy shall be published in the Federal Register.

STATEMENT OF GOVERNMENT PATENT POLICY

BASIC CONSIDERATIONS

A. The Government expends large sums for the conduct of research and development which results in a considerable number of inventions and discoveries.

B. The inventions in scientific and technological fields resulting from work performed under Government contracts constitute a valuable national resource.

C. The use and practice of these inventions and discoveries should stimulate inventors, meet the needs of the Government, recognize the equities of the contractor, and serve the public interest.

D. The public interest in a dynamic and efficient economy requires that efforts be made to encourage the expeditious development and civilian use of these inventions. Both the need for incentives to draw forth private initiatives to this end, and the need to promote healthy competition in industry must be weighed in the disposition of patent rights under Government contracts. Where exclusive rights are acquired by the contractor, he remains subject to the provisions of the antitrust laws.

E. The public interest is also served by sharing of benefits of Government-financed research and development with foreign countries to a degree consistent with our international programs and with the objectives of U.S. foreign policy.

F. There is growing importance attaching to the acquisition of foreign patent rights in furtherance of the interests of U.S. industry and the Government.

G. The prudent administration of government research and development calls for a Governmentwide policy on the disposition of inventions made under Government contracts reflecting common principles and objectives, to the extent consistent with the missions of the respective agencies. The policy must recognize the need for flexibility to accommodate special situations.

POLICY

SECTION 1. The following basic policy is established for all Government agencies with respect to inventions or discoveries made in the course of or under any contract of any Government agency, subject to specific statutes governing the disposition of patent rights of certain Government agencies.

(a) Where—

(1) a principal purpose of the contract is to create, develop or improve products, processes, or methods which are intended for commercial use (or which are otherwise intended to be made available for use) by the general public at home or abroad, or which will be required for such use by governmental regulations; or

(2) a principal purpose of the contract is for exploration into fields which directly concern the public health or public welfare; or

(3) the contract is in a field of science or technology in which there has been little significant experience outside of work funded by the Government, or where the Government has been the principal developer of the field, and the acquisition of exclusive rights at the time of contracting might confer on the contractor a preferred or dominant position; or

(4) the services of the contractor are

(i) for the operation of a Government-owned research or production facility; or

(ii) for coordinating and directing the work of others,

the Government shall normally acquire or reserve the right to acquire the principal or exclusive rights throughout the world in and to any inventions made in the course of or under the contract. In exceptional circumstances the contractor may acquire greater rights than a nonexclusive license at the time of contracting, where the head of the department or agency certifies that such action will best serve the public interest. Greater rights may also be acquired by the contractor after the invention has been identified, where the invention when made in the course of or under the contract is not a primary object of the contract: *Provided*, The acquisition of such greater rights is consistent with the intent of this section 1(a) and is a necessary incentive to call forth private risk capital and expense to bring the invention to the point of practical application.

(b) In other situations, where the purpose of the contract is to build upon existing knowledge or technology to develop information, products, processes, or methods for use by the Government, and the work called for by the contract is in a field of technology in which the contractor has acquired technical competence (demonstrated by factors such as know-how, experience, and patent position) directly related to an area in which the contractor has an established nongovernmental commercial position, the contractor shall normally acquire the principal or exclusive rights throughout the world in and to any resulting inventions, subject to the Government acquiring at least an irrevocable nonexclusive royalty-free license throughout the world for governmental purposes.

(c) Where the commercial interests of the contractor are not sufficiently established to be covered by the criteria specified in section 1(b), above, the determination of rights shall be made by the agency after the invention has been identified, in a manner deemed most likely to serve the public interest as expressed in this policy statement, taking particularly into account the intentions of the contractor to bring the invention to the point of commercial application and the guidelines of section 1(a) hereof: *Provided*, That the agency may prescribe by regulation special situations where the public interest in the availability of the inventions would best be served by permitting the contractor to acquire at the time of contracting greater rights than a nonexclusive license. In any case the Government shall acquire at least a nonexclusive royalty free license throughout the world for governmental purposes.

(d) In the situations specified in sections 1(b) and 1(c), when two or more potential contractors are judged to have presented proposals of equivalent merit, willingness to grant the Government principal or exclusive rights in resulting inventions will be an additional factor in the evaluation of the proposals.

(e) Where the principal or exclusive (except as against the Government) rights in an invention remain in the contractor, he should agree to provide written reports at reasonable intervals, when requested by the Government, on the commercial use that is being made or is intended to be made of inventions made under Government contracts.

(f) Where the principal or exclusive (except as against the Government) rights in an invention remain in the contractor, unless the contractor, his licensee, or his assignee has taken effective steps within three years after a patent issue on the invention to bring the invention to the point of practical application or has made the invention available for licensing royalty free or on terms that are reasonable in the circumstances, or can show cause why he should retain the principal or exclusive rights for a further period of time, the Government shall have the right to require the granting of a license to an applicant on a non-exclusive royalty free basis.

(g) Where the principal or exclusive (except as against the Government) rights to an invention are acquired by the contractor, the Government shall have the right to require the granting of a license to an applicant royalty free or on terms that are reasonable in the circumstances to the extent that the invention is required for public use by governmental regulations or as may be necessary to fulfill health needs, or for other public purposes stipulated in the contract.

(h) Where the Government may acquire the principal rights and does not elect to secure a patent in a foreign country, the contractor may file and retain the principal or exclusive foreign rights subject to retention by the Government of at least a royalty-free license for governmental purposes and on behalf of any foreign government pursuant to any existing or future treaty or agreement with the United States.

SEC. 2. Government-owned patents shall be made available and the technological advances covered thereby brought into being in the shortest time possible through dedication or licensing and shall be listed in official Government publications or otherwise.

SEC. 3. The Federal Council for Science and Technology in consultation with the Department of Justice shall prepare, at least annually, a report concerning the effectiveness of this policy, including recommendations for revision or modification as necessary in light of the practices and determinations of the agencies in the disposition of patent rights under their contracts. A patent advisory panel is to be established under the Federal Council for Science and Technology to—

(a) develop, by mutual consultation and coordination with the agencies, common guidelines for the implementation of this policy, consistent with ex-

isting statutes, and to provide overall guidance as to disposition of inventions and patents in which the Government has any right or interest; and

(b) encourage the acquisition of data by Government agencies on the disposition of patent rights to inventions resulting from federally financed research and development and on the use and practice of such inventions, to serve as basis for policy review and development; and

(c) make recommendations for advancing the use and exploitation of Government-owned domestic and foreign patents.

SEC. 4. Definitions: As used in this policy statement, the stated terms in singular and plural are defined as follows for the purpose hereof:

(a) Government agency—includes any executive department, independent commission, board, office, agency, administration, authority, or other Government establishment of the executive branch of the Government of the United States of America.

(b) "Invention" or "invention or discovery"—includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States of America or any foreign country.

(c) Contractor—means any individual, partnership, public or private corporation, association, institution, or other entity which is a party to the contract.

(d) Contract—means any actual or proposed contract, agreement, grant, or other arrangement, or subcontract entered into with or for the benefit of the Government where a purpose of the contract is the conduct of experimental, developmental, or research work.

(e) "Made"—when used in relation to any invention or discovery means the conception or first actual reduction to practice of such invention in the course of or under the contract.

(f) Governmental purpose—means the right of the Government of the United States (including any agency thereof, State, or domestic municipal government) to practice and have practiced (made or have made, used or have used, sold or have sold) throughout the world by or on behalf of the Government of the United States.

(g) "To the point of practical application"—means to manufacture in the case of a composition or product, to practice in the use of a process, or to operate in the case of a machine and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

Mr. DADDARIO. I am sure it is evident that the administration's balanced effort here is undercut badly by legislative provision, such as the patent amendment in this bill. The fact is that this provision is extremely rigid in its effect and is quite unfair in that it looks only on one side of the coin. It has been said that this amendment of Senator Long's will prevent "giveaway," but I believe that, in effect, it does promote giveaways, especially in one area, in the foreign markets, and at a time when we are seriously concerned about our balance of payments.

If there is one thing that we have learned in our study of the matter, and with which the administration concurs and insists upon, it is the need for flexibility in our patent approach. We must have this, not only in order to be equitable in our relations with industry, agriculture and labor, but in order to acquire sufficient experience on which to base general patent legislation if that become desirable. We cannot be equitable and we cannot gain the necessary experience without administrative flexibility.

The Senate amendment denies us this resource. It places all property rights in inventions connected with the pollution program in the public domain regardless of the fact that such inventions are freely available to the Government for public use anyhow. Its stipulation that no contractor shall be deprived of his "background patents" is virtually meaningless since there is no fixed definition of "background

patents" and, in any case, the Government must often allow contractors "foreground" rights in exchange for "background" privileges in order to make the invention worth while. Under the Senate amendment, this would not be possible in the field of water pollution research.

What else happens when flexibility is denied?

For one thing, the Government may have to deal with reluctant contractors who tend to compartmentalize their Government research and isolate it from their most promising commercial ideas. We know, for example, that in many instances private contractors will separate their research teams working on Government projects from their other researchers working strictly on commercial ones. This happens mainly because the contractors feel the need for legal protection of their most profitable investments. Hence, they do not want to mix their private research talent with personnel working on Government projects. It goes without saying that when this happens there is little cross-fertilization of ideas and the Government may not get the best results.

For another, we fail to take into account that different Federal agencies have different missions and must handle their contractors in different ways. We need a single standard for guidelines, certainly, but a standard that permits enough flexibility to get the mission done. That is the most important matter.

Let me ask: What would happen if this provision were removed? The answer is that the President's policy would control and special care would be taken to see that the public is protected. This, after all, is just what the provision seeks to accomplish.

But suppose the Senate amendment is left in the bill? The main reasons for the amendment, according to the limited discussion available, are three:

1. To insure that the results of research under the bill are available to the Nation's governments—National, State, and local—and to the general public. Under the President's policy now in effect, they assuredly would be so available since this is an area which "directly concerns the public health or public welfare"—and that quote comes from section 1, paragraph (a), subparagraph (2) of the President's memorandum—and the United States normally acquires principal or exclusive rights in such cases under that directive.

2. To be sure that contractors disclose all information about inventions developed during the course of Federal contracts. However, I would like to point out that this responsibility exists legally in any case. It is part of the contract. Undoubtedly some instances have occurred from time to time where contractors have not disclosed all the information they should. But the plain facts of life are that such contractors are not going to disclose any more information under a policy of government-takes-title than under a policy of government-takes-a-license or somewhere in between, which should be left up to the discretion of the agency head. In fact, they are likely to disclose less.

Parenthetically, let me add that the two cases of nondisclosure cited on the Senate floor both occurred prior to the issuance of the President's policy statement; and all Government agencies engaged in research and development have since revised their regulations in accordance with that statement to mitigate the possibility of nondisclosure.

3. To prevent Government administrators from using improper discretion in waiving Government rights where they should properly be acquired. Senator Long has made it quite clear that in cases where executive officers are permitted discretion in how they handle property rights in Government-sponsored inventions, he does not trust them to protect the public interest adequately. I have faith that the President does appoint administrators of high competence and integrity. It is my belief that they are conscientious in using their discretion, that they try to employ it with reason and in accordance with legislative or administrative policy, and that they generally succeed. I say this in spite of the fact that on occasion I, too, have disagreed with the manner in which some officials have carried out patent policy. But I regard this as a poor excuse for denying our administrators the flexibility they need to do the job. It is most important that these officials be able to acquire whatever property right is needed in the best interests of the United States. This may be complete title and exclusive rights, or any of a wide variety of licenses, but they should be able to judge each case on its own merits, in order to properly do the job for which they are paid.

In Senate consideration of this bill the argument was made that where our agencies follow a title-in-the-Government policy—such as atomic energy—U.S. technical expertise is well advanced. This may be so. But note, please, that even the AEC has found it essential to make use of flexibility. The AEC presently holds about 3,000 patents. On those, however, it has granted licenses to private firms on over 1,000; another 561 licenses have been retained by research contractors; 330 exclusive licenses have been granted in outfield cases; and actual title to 400 patents has gone to contractors, subject only to a Government license, and this comes from the AEC annual report of 1964 to the Joint Committee on Atomic Energy, one of their official records.

Senate discussion also revealed Senator Long's dissatisfaction with National Aeronautics Space Administration's handling of its existing legal authority to waive rights to title where the best interests of the Government are served thereby. I am holding no special brief for NASA on this point. But I cannot help noting that out of 2,661 invention disclosures made under NASA contracts, requests for waiver have numbered only 220 and, of these, only 119 have been granted—about 4 percent of the total. Moreover, as of last September, only two contractors had qualified for advance waiver at the time of contracting—a procedure which the Government-title proponents especially like to brandish as evidence of dark doing by executive administrators.

It would seem to me, Mr. Chairman, that the case for the Senate amendment is not only weak; it is really nonexistent.

In conclusion, let me make one final comment about "giveaways." This is a pet theme of the amendment's sponsors. I think the foregoing has suggested that there is very little giveaway under the President's policy statement. But there may be a very large "giveaway" when Government ownership of inventions occurs or when dedication to the public takes place. This is because of competition with foreigners. As you know, when a patent issues, complete information about the invention is published. It is available to anyone. But there is no protection abroad unless the patent holder files for it under the appropriate treaties with the laws of other countries. Our Government

does not have, and never has had, the money, time, nor disposition to take such filings—nor the wherewithal to sue infringers. So we have a situation where any competent foreign party can pick up the federally owned patents, make or use the invention or process, patent it abroad and market it there—or even market it back in the United States. This permits a foreign competitor who has made no investment whatever nor any contribution to the development of the invention to secure a big advantage over domestic industry—including those companies which may have made substantial contributions of their own toward the development of the invention in question. This, I submit, is a very serious “giveaway” and the Senate amendment involved in this bill tends to promote it.

I would like to add, too, Mr. Chairman, that I had the occasion this morning to listen to the discussion, and I was somewhat taken with the idea that we can pass all the laws we want to insofar as pollution is concerned, but what we need to do is to stimulate the ideas that develop new processes and new equipment.

We must give, under our system of government, the free enterprise economy, the opportunity to develop these and to bring to the marketplace the type of equipment which can in fact abate the nuisance about which this committee is so concerned.

This is just the old American way of establishing new industries to meet new ideas as the process of development goes on and as science and technology, as we do develop it in such a high and mighty way, can fit the national purpose.

Mr. BLATNIK. We thank our colleague. Obviously, this was a very very complicated, highly specialized subject area. It is an area with carefully considered, certainly well-prepared piece of testimony in a which certainly the Chair is not too familiar. We appreciate your calling our attention to this very important part of the Senate measure.

Any questions on my right?

Mr. JONES. Yes, Mr. Chairman.

Mr. BLATNIK. Mr. Jones.

Mr. JONES. I have a question.

Mr. Daddario, you recall that we, in Government Operations, visited your community for the purpose of examining the pollution problem in the Connecticut and New England States. It was a very profitable meeting for us.

I think in those meetings there was a total disclosure that in these programs for water pollution control, it was going to be the chief responsibility of the Federal Government to monitor the streams, to test them for salinity, torpidity factors, and so forth, thereby equipping the States with the necessary information so that they could make a proper analysis. You recall that?

Mr. DADDARIO. Yes; I recall your visit very well. It was very helpful to us.

Mr. JONES. So actually what you are saying is that most of the new devices, the new schemes of development of monitoring, use, and the other devices, are going to have to be developed by the Federal Government?

Mr. DADDARIO. No. What I am saying is this, Mr. Jones—

Mr. JONES. Now let me ask the second question so it will not be disjointed.

Mr. DADDARIO. Yes.

Mr. JONES. So, therefore, most of the discoverers for all of the analysis devices will be by the Federal Government; therefore, there is not going to be much outside room for these inventions to come about except what the Federal Government does.

Mr. DADDARIO. I think if we analyze it, it works something like this: If, in fact, the Federal Government does put in all the money, initiate all of the action, creates the kind of thought around which developments occur, the guidelines, as set forth in the President's memorandum, and the guidelines that we have set forth in our report on this same subject would necessitate the agency head to take title. But the facts are not always that clear.

There are many areas in water pollution, and certainly in the desalinization area, where industry has developed processes and ideas of its own where either by themselves or in joint development with the Government, there might come an invention which might be helpful.

Mr. JONES. You just do not think about certain industry going out here and studying torpidity?

Mr. DADDARIO. No.

Mr. JONES. You do not think industry is going to go out here and make a study of the Midwest salinity problem?

You do not think that industry, as far as Baton Rouge, New Orleans, is going to be engaged in the study of mine drainage problems in West Virginia?

So what it is is the responsibility of the Federal Government to make those studies in all of its vast ramifications.

Mr. DADDARIO. It has always been that way, Mr. Jones.

Mr. JONES. And so, as I gather from your testimony, what you are emphasizing is that notwithstanding the fact that the Federal Government is doing all these things, there is not going to be too much left except in the separate industries themselves, and therefore, they ought to have the profits of their own doing?

Mr. DADDARIO. No; that is not what I am saying at all, Mr. Jones. What I am saying is that the Government is serving its purpose by making these studies, but when it comes to the point as to how we develop the equipment which can be used—

Mr. JONES. What I am trying to do, Mr. Daddario, is to plead with you and to show you that most of the progress in research and development is going to come at the hands of the Federal Government and the scope of developments in private industry is going to be relatively small as compared with what the States and the Government are going to do.

Mr. DADDARIO. It may very well work out that way.

If the level of participation works to that extent, that is how it ought to be. But it is sure to develop that there will be a wider participation of the private sector in this area than perhaps we imagine at this time. When it comes to the question of developing the processes through which equipment will be generated to serve this purpose, we must then take into consideration the competitive aspects of our developments in the past, and the one way through which, in our economy, we have been able to create goods to fulfill needs to fit into the marketplace at an expeditious time and at a proper price.

Mr. JONES. I recall Honeywell of Minnesota is developing a device that not only will be a single monitor but will monitor streamflow, temperatures, torpidity, salinity; it will make all the principal factors available from the monitoring stations.

Now, what you are saying is if Honeywell develops that, it should be in their constant possession?

Mr. DADDARIO. It should either be in their constant possession, or it should be in the contract which it has with the Government how their participation in development of this does, in fact, reflect itself.

If they have built this all with their own money and if from that point on there is something which the Government would like to have Honeywell do, it might very well be that the Government would exchange for the use of this background information, as I have said in my statement, some of the foreground rights which might come out, saving both a great deal of money.

Mr. EDMONDSON. Mr. Chairman, would the gentleman yield?

Mr. JONES. Yes; I will yield.

Mr. BLATNIK. Mr. Edmondson.

Mr. EDMONDSON. I do not think, Mr. Chairman, permission has been granted as yet for the inclusion of the statement which the President made on this subject in 1963 and for the inclusion of the interpretive statement of the Federal Council for Science and Technology, Patent Advisory Panel.

I would like to ask that they might be made a part of the record immediately following the testimony of the gentleman from Connecticut.

Mr. BLATNIK. Without objection—

Mr. DADDARIO. Can I have that in the place where I indicated it in my remarks, please?

Mr. EDMONDSON. Or at the point requested.

Mr. BLATNIK. At the point where the gentleman made reference to it, without objection, it is so ordered.

Mr. EDMONDSON. May I make a further comment, Mr. Chairman?

If I got the principal thrust of the statement of the gentleman, it was along these lines, that this program should operate to get a maximum cooperation between Government and industry in licking this pollution problem. The language of the Long amendment in the view of the gentleman from Connecticut would operate to discourage industry cooperation in the development of processes where any Federal money was involved, because they would be very reluctant to accept the conditions that were imposed by the Long amendment. Is that correct?

Mr. DADDARIO. The gentleman is entirely correct. I make these remarks not just in a theoretical way, but you know that the subcommittee of the House Committee on Science and Astronautics, Science Research Development, which I head, has been holding hearings for a year with the idea in mind particularly as to how to use the knowledge which we develop. It is quite clear that in those cases where we are not able to grant an exclusive right to someone to develop it, what happens is that the patent lies dormant, it gathers dust, and we do not create as we ought to create by allowing a company or companies to have the license with certain exclusive privileges, to spend the money

necessary to develop it, and to get it into the marketplace. This has happened time and time again.

Mr. EDMONDSON. I think the gentleman has made a genuine contribution to the hearings, and I want to express my appreciation for it.

Mr. JONES. Mr. Chairman.

Mr. BLATNIK. Mr. Jones.

Mr. JONES. I want to commend the gentleman from Connecticut. It seems to me that this is a rather restrictive area of where there would be abuses of patents. In the first place, the only patents that would be developed are those that are not in collaboration with the Federal Government but are those that the private companies develop themselves and initiate on their own. Because the only technical operation that you will find in this water resource or quality control will be in the monitoring use.

We have given great consideration in our discussion here today and in past hearings about the questions of the States and how they are going to develop reciprocal understandings between themselves.

The only question involved in all these discussions is basically and fundamentally the question of monitoring and to find out the water quality, temperatures, and all the other esthetic values of water. They can vary from day to day, from week to week, and from month to month. So at a point they will have to be just as anxious as they can be and as earnest as they can be to find out whether water quality control on a major stream will be of the same quality in Baton Rouge as it leaves Cincinnati, Ohio. Those are the problems we face.

So I just am a little bit tired of hearing this question over and over—and I have been through this thing for years and years and years—about the proposition of States rights.

Now, these questions can be resolved among the States. They have got to come to the Geological Survey, the Department of the Interior, the Public Health; they have got to engage all of those agencies, the Corps of Engineers, and all the rest of them, to come up with some question of standards.

I did not intend to make a speech here, but I am just saying these things that you are talking about that are not going to be developed by the Federal Government are not going to be developed.

Mr. BALDWIN. Mr. Chairman.

Mr. BLATNIK. Mr. Baldwin.

Mr. BALDWIN. I would like to commend Mr. Daddario on a most thoughtfully worked-out statement.

It seems to me that this issue is of such a nature, it is perfectly obvious that even if the Federal Government were going to establish a rule of this kind, it should not be established in a lot of hit-or-miss bills, but we should have a bill come down through the administration applicable to all Federal appropriated funds for all agencies, and therefore apply uniformly. It should either be the same for all or it should not be for any, as I see it.

Mr. DADDARIO. Mr. Baldwin, I do not think there is any question but what you say is so.

The President's memorandum on the subject gives us that opportunity, because he established a Patent Advisory Committee, which has been broken down into subcommittees, which must report back to

the President at least once a year, which will establish the facts upon which such a determination can be made.

Now, I do not believe either that we ought to allow the executive branch to take over this function completely. But we should recognize that while this is going on, that there is being developed a knowledge which we can refer to, and there should be held hearings in both the Senate and the House in the proper committee, so there can be full discussion on this.

It is my understanding that Senator McClellan will, in fact, in this session of the Congress, on the Senate side, hold hearings on an all-inclusive Government-wide patent bill.

So we are making progress in that direction and we ought not to allow an amendment of this importance to fit into a bill of this importance as well, so that it can defeat this purpose and perhaps get us to the point where we will have frozen into legislation the kinds of inhibitions which can determine the course of events in research and development in other agencies as well; because what we do here will certainly be looked at in other places.

I am sure that we will see, in the course of our discussion this year as legislation comes over from the Senate, more and more of this kind of thing unless we do stop it, unless we do come to an affirmative step. In fact, your committee has already reported out the Appalachian bill, which does in fact include a Long amendment of this kind.

Mr. BALDWIN. One further step. It seems to me that a further basic issue is involved, because the amendment applies to any research and development activity conducted in whole or in part with appropriated funds. So this means most of this bill actually is going to apply to matching funds with the States. That is what we do with all these sewage treatment plants, we just provide matching funds. We provide a minority, actually, of the funds the State uses on the contract.

This means we are suddenly establishing the policy in this particular field controlling patents in contracts let by the States. Certainly if we are going to go into controlling the patents and contracts let by the States, we should not be doing it on a hit-or-miss basis. We should think this thing through and establish it on either an across-the-board basis for all States or none.

Mr. DADDARIO. You open up a whole series of problems, Mr. Baldwin, when you do this. If you just take that phrase which you just picked out, it is one of the most important clauses in that whole amendment, the idea of this whole or in part. Because you could get to the point where an industry could contribute 90 percent and the Government only 10 percent and have the Government own it all, and then prevent that piece of apparatus from getting into the marketplace where it could be helpful to accomplish our ends and our purposes.

Mr. CRAMER. Would the gentleman yield?

Mr. BALDWIN. I yield.

Mr. CRAMER. I read the gentleman's statement. I had an opportunity to discuss it with him.

I think your position is well taken. As a matter of fact, I understand the Office of the President conforms to your views in their position.

Mr. DADDARIO. That is correct.

Mr. CRAMER. Second, I am just sorry we did not have the benefit of your views in relation to the Appalachian bill. I did raise the question of the propriety of legislating in that field without adequate background evidence in the record as to just exactly what it would do, making the comment as a member of the Patents and Copyrights Subcommittee of the Judiciary for the last 9 years.

So I think the gentleman has rendered vital service. I trust when we get to the floor of the House, if we do, on Appalachia, he will make similar comments there.

Mr. DADDARIO. Well, I have thought seriously about how to approach the problem, and I have as strong feelings about the Appalachia situation as I do about this. I did not have the opportunity to appear on the other bill, but I do think it deserves looking into.

I am concerned at the moment, really, about where the best fight can be made and the Appalachia bill, where we do deal with roads and highways, the question of how it might affect the private sector and its opportunity to participate is almost negligible.

But in this area where equipment will absolutely be necessary—there is no question in my mind but that it becomes important, and it is on that basis where I have made my decision that this is the place to make the fight, because I think it affects us in a most adverse way here, whereas in the other, although I do not like it because I do not like the language, I do not believe it is going to affect the process of development in the same way.

Mr. CRAMER. I just suggest to the gentleman that if he reviews the Appalachian bill in regard to this particular matter, I think you will see that it has a much broader application in highways.

Mr. DADDARIO. I understand it does.

Mr. CRAMER. Considerable amount of research and development is provided for in the Appalachian bill. I think you will find that it is even broader than this application.

Mr. DADDARIO. I certainly would like to talk to the gentleman about it.

Mr. BLATNIK. Congressman, we thank you very much. We have the letter from the Office of Science and Technology, signed by the Director, Donald F. Hornig, pertaining to the testimony that you submitted which will be entered in the record at this point.

(The letter follows:)

EXECUTIVE OFFICE OF THE PRESIDENT.

OFFICE OF SCIENCE AND TECHNOLOGY,

Washington, February 18, 1965.

HON. GEORGE H. FALLON,
Chairman, Committee on Public Works,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing in regard to the consideration by your committee of legislation on the control of water pollution. In particular, I would like to comment on the handling of rights to inventions made in the course of research on methods of pollution control.

The problem of allocating rights to inventions made in the conduct of federally financed research is, of course, much broader than that raised in connection with legislation on water pollution. It is a complex issue that affords no simple solution.

There seems to be widespread agreement that the Government should pursue a patent policy that results in maximum benefits to the Nation as a whole, not merely in the accommodation of parochial interests. However, the differing objectives and circumstances under which Federal research and development is conducted rules out the possibility that a blanket "title" or "license" policy

could take them properly into account. For example, the nature of the research and specific inventions and the commercial background and know-how of the contractor must be considered. There are circumstances where the Government would like to take advantage of the fact that the prospective contractor has made a substantial private investment in the field of interest. The granting of some commercial rights may be necessary to attract private investment in developing and commercializing the invention. Or, there may be opportunities through a licensing program to exploit the inventions abroad that could be of economic benefit to the United States.

There is now in effect the attached statement of Government patent policy, issued by President Kennedy in October of 1963, to which this administration fully subscribes. It was the result of some 18 months' careful study of 20 Government agencies. The policy defines situations where the public interest requires the retention of patent rights by the Government. It also identifies situations where the public interest in the availability of the inventions is better served by leaving commercial rights with the contractor.

It should be noted that the policy statement provides for the Government's acquiring exclusive rights to inventions made in the course of research in fields, such as water pollution, which directly concern the public health or public welfare. However, it also provides that the contractor may acquire greater rights in exceptional circumstances where the head of the agency makes a certification that such action will best serve the public interest.

A primary objective of the present patent policy is to place federally financed inventions in practical use to the benefit of both the user and the national economy. Clearly, the solution of such problems as environmental pollution requires more than legislation and funds. It requires not only technological development but its practical application in a form that will make it possible to remove pollution economically—exhaust from automobiles, waste from cities and factories, and runoff from farms.

It is essential to transfer the invention from the laboratory into actual practice. To this end, industry needs to make the additional investment in development and innovation, leading to the technical and economic advances that can facilitate widespread efforts to control pollution. To get industrial companies to commit their best skills and know-how, it may be necessary in some cases for the Government to offer patent incentives, either to the contractor or subsequently to interested firms, with the requirements imposed by the patent policy to take active steps to put the patent to work.

We are proceeding through the Patent Advisory Panel of the Federal Council for Science and Technology to monitor the implementation of the statement of patent policy, to evaluate the effectiveness of the policy in the light of the facts and experience accumulated, and to recommend modifications as experience dictates. At the same time, it would seem desirable to work in the direction of general legislation on Government patent policy after full consideration of the range of issues involved.

Sincerely yours,

DONALD F. HORNIG, *Director*.

Mr. DADDARIO. Thank you, gentlemen, for the opportunity to appear.

Mr. BLATNIK. We will now hear from Congressman Monagan from Connecticut.

STATEMENT OF HON. JOHN S. MONAGAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CONNECTICUT

Mr. MONAGAN. Mr. Chairman, I want to thank you and your committee for giving consideration to legislation to control water pollution in this country, and also for giving me an opportunity to appear before you in support of this legislation.

I have filed H.R. 3716 which is similar in substance to the bill that passed the Senate. Its stated purpose is to amend the Federal Water Pollution Control Act, to establish the Federal Water Pollution Control Administration, to provide grants for research and development to increase grants for construction of municipal sewage treatment

works, to authorize recommended standards of water quality, and for other purposes.

I appear here in support of H.R. 3716 which is my bill. I am most concerned with a feeling of urgency that legislation in this field be enacted.

President Johnson in his recent message on natural beauty stressed the importance of water quality standards, increased grants for sewage treatment projects, improved administration of the Federal water pollution control program, and a research and development program to cope with the problem of storm and sanitary sewage. The President has also advocated an increase in grant ceilings for grants to State water pollution control programs. The President has given official recognition to the fact that water pollution is a threat to the health, the emotional well-being, and the economic welfare of all Americans.

It has been my privilege to serve as a member of the House Natural Resources and Power Subcommittee, and I have found the work of that subcommittee tremendously interesting. We have held exhaustive hearings in various parts of the United States on the all-important subject of water pollution and we have amassed one of the most definitive records on this subject that has ever been gathered together. The work of the subcommittee has not been completed, but we are in a position at this time to have opinions based on our studies, and the more we probe the problem of water pollution control, the more convinced I am that corrective measures must be taken at once.

All of our major streams, rivers, and lakes are suffering increasing pollution and this condition is jeopardizing our water supplies, menacing the public health, destroying aquatic life and disgracing our environment. This pollution comes from contaminants which are being dumped into rivers and streams in many parts of the country. They include domestic sewage, oils, garbage, chemicals, acid drainage from mines, and new chemicals, such as synthetic fibers and detergents, pesticides, and radioactive wastes. Our own Federal installations are not without blame.

The bill, which I have filed, establishes a Federal Water Pollution Control Administration within the Department of Health, Education, and Welfare, to administer comprehensive programs, sponsor interstate cooperation, recommend establishment of water quality standards, and stimulate elimination of pollution by Federal installations.

I have recommended the authorization of an appropriation of \$20 million annually for the next 4 years for research and development grants. In addition, I have proposed the authorization of appropriations of \$150 million for fiscal year 1966 and \$200 million for fiscal year 1967, for grants to the States for waste treatment works. This would provide grants of up to 50 percent of the estimated cost of demonstration projects for operating combined storm and sanitary sewers. I recommend that we increase the individual dollar ceiling limitations on Federal grants for construction of waste treatment works from \$600,000 to \$1,500,000 for a single project, and from \$2,400,000 to \$5 million for a joint project involving two or more communities. These have particular reference to large municipalities.

I propose that we authorize an additional 10 percent in the grant for construction of waste treatment works after the project is certified as conforming with comprehensive plans for a metropolitan area.

My bill would authorize the Secretary of the Department of Health, Education, and Welfare, after public hearings and consultation with all interested parties, to prepare recommendations of standards of water quality for interstate waters.

It would also provide that waste water discharges by Federal installations be reviewed by the Secretary of Health, Education, and Welfare.

I want to point out that while I recognize the need for greater local enforcement procedures, I also feel that we must reestablish and reaffirm a pattern of local, State, and Federal cooperation.

Experience has shown that there is definite need for Federal participation in the financing of sewage treatment plants and in the encouragement of research and development so essential to the continuing operation of industrial plants currently contributing materially to the pollution problem. One cannot listen to the evidence that our subcommittee has heard from all segments of the community, and from all parts of the country, without coming to the conclusion that the national interest requires a stepping up, not only in research but also in construction of facilities and, above all, in enforcement activity, if the Nation's water resources are to remain equal to the tremendous demands which will be made upon them in the future. For this reason, I believe that the grants for research and development provided in my bill are vitally important. I feel also that the broadening of the application of this legislation by raising the limitations on grants for single projects, and combined projects, will have productive results.

This is the problem which faces every community and every State in the Nation because the communities and the States cannot bear the cost of abating pollution. I feel that the Federal Government must step up its participation without further delay if we are to meet the crisis confronting us in the shortage of usable clean water.

Thank you, Mr. Chairman.

Mr. BLATNIK. Thank you.

Is Dr. Malcolm Taylor here? Dr. Malcolm Taylor, of the American Paper Institute.

Dr. Taylor, would you give to the reporter your full name and official capacity, your status with the American Paper Institute?

STATEMENT OF DR. MALCOLM TAYLOR; ACCOMPANIED BY GEORGE BOYD, COUNSEL, AMERICAN PAPER INSTITUTE

Dr. TAYLOR. Certainly, sir.

Mr. Chairman and gentlemen, my name is Malcolm L. Taylor. I am technical director of Union Bag-Camp Paper Corp., whose headquarters are in New York City. I am pleased to appear here today for the American Paper Institute, which is the overall association of the pulp, paper and paperboard industry in the United States, and is broadly representative of the entire domestic industry.

I am accompanied by Mr. George Boyd, counsel to the institute.

Ours is one of the major manufacturing industries in the country, with sales of pulp, paper, paperboard and allied products in 1964 approximating \$17 billion. This represented the products of about 3,400 companies, operating more than 800 pulp, paper, and paperboard mills, and more than 4,000 converting plants located in nearly every

State of the Union. Many of the companies represented by our institute are also heavily involved in the lumber and plywood industry. Our industry employs over 630,000 people who earn \$41½ billion annually. The industry's Federal tax bill exceeds one-half billion dollars each year. In addition, our State and local taxpayments are greater than one-quarter of a billion dollars annually. The publicly owned companies in our industry have approximately 750,000 shareholders.

We are pleased to have the opportunity to appear before this distinguished committee and to submit our comments on H.R. 3988 and S. 4 which propose the Water Quality Act of 1965, and would amend the Federal Water Pollution Control Act. We in our industry have long been aware of the problem of stream pollution. We also recognize that there is no single, simple formula for solving stream pollution problems. Water disposal problems of mills in our industry vary widely, depending upon both the nature of the operation involved and the location of the mill. It is rare that there are any two solutions alike.

Today, as professional managers, we must ordinarily justify the expenditure of money for capital improvements on the basis of the rate of return on the dollars invested. However, the installation of waste treatment facilities seldom provides any return on investment. The dilemma confronting the professional manager is summed up like this:

(a) The general public wants the water in the streams available for all possible uses and adequate employment for the community at the same time.

(b) The older plant may not be able to afford the investment in waste treatment facilities necessary to maintain water in its natural state—the only alternative may be to shut the operation down.

(c) Employees of the plant and the community cannot afford to have the plant shut down. They cannot afford to lose the employment furnished by the operation.

This points up the intricate problems which confront our industry as well as others concerned with the management of water resources in our country. In our industry we must have process water of adequate quality and we recognize the need for users downstream from us to have suitable water quality also.

To point up the fact that this problem has been vigorously attacked by our industry, I believe the committee will be interested in a brief review of the progress which we have made in conjunction with the existing pollution control agencies.

The pulp, paper, and paperboard industry has spent and is spending substantial amounts on research on the problems involved, and has made considerable progress in water conservation and pollution abatement. During the past 20 years the total organic pollution load, as measured by biochemical oxygen demand, has actually been reduced, despite the fact that the industry's production in tons has more than doubled in the same period. A recent survey by the National Council for Stream Improvement—parenthetically, this is the research association which our industry formed to conduct research on the control of water pollution some 22 years ago—indicates that, as of today, 75 percent of the pulp and paper mills in the United States have waste treatment facilities in operation, and this figure may be compared

with only 37 percent in 1949. We submit that our industry, in cooperation with existing enforcement agencies, is facing and solving pollution abatement problems with demonstrated results.

During the last session of Congress, our industry presented testimony to this committee in which we expressed our recognition of the need for permanent, but reasonable, solutions to the country's water pollution problems. We felt that these solutions must be based upon a greater understanding of all of the complex aspects of this problem. We recommend that existing programs of the Federal Government, including those dealing with enforcement, be continued.

We recognize, also, the increasing public interest and concern with water quality, and the present bill, H.R. 3988, and the Senate bill, S. 4, are expressions of that interest. We wish to make it clear that we favor strengthening and clarifying the administration of the Federal Water Pollution Control Act, subject, of course, to the continued recognition of the fact, as stated in section 1 of the present act, that—

it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution.

With the permission of the committee, we would like to incorporate in this statement a copy of the Federal Water Pollution Control Act, with amendments proposed by H.R. 3988, together with further amendments proposed in both the act and H.R. 3988 by the American Paper Institute. This document is marked "Exhibit A."

(Exhibit A follows:)

EXHIBIT "A."

AMERICAN PAPER INSTITUTE

February 19, 1965

(Key to EXHIBIT "A": Existing law in which no change is proposed is shown in roman. Existing law proposed to be omitted by the provisions of H.R. 3988 is enclosed in black brackets. Additions proposed by H.R. 3988 are printed in italics. Deletions proposed by the American Paper Institute in either existing law or in H.R. 3988 are stricken through. Additions to the law proposed by the American Paper Institute are shown in typewriting. Vertical lines and numbers in margins delineate the additions and deletions proposed by the American Paper Institute.)

FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED

[33 U.S.C. 466-466k]

AN ACT To provide for water pollution control activities in the Public Health Service of the Department of Health, Education, and Welfare, and for other purposes

DECLARATION OF POLICY

SECTION 1. (a) *The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution.*

[(a)] (b) In connection with the exercise of jurisdiction over the waterways of the Nation and in consequence of the benefits resulting to the public health and welfare by the prevention and control of water pollution, it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical research relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution. ~~[(To this end, the Secretary of Health, Education, and Welfare (hereinafter in this Act called the "Secretary") shall administer this Act.] The Secretary of Health, Education and Welfare (hereinafter in this Act called the "Secretary") shall administer this Act and, with the assistance of an Assistant Secretary of Health, Education, and Welfare designated by him, shall supervise and direct the head of the Water Pollution Control Administration created by section 2 and the administration of all other functions of the Department of Health, Education, and Welfare related to water pollution. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe.]~~

To this end, the Secretary of Health, Education and Welfare (hereinafter in this Act called the "Secretary") shall administer this Act and, with the assistance of the Surgeon General, shall supervise and direct the head of the Institute of Water Supply and Pollution Control created by Section 2, who shall coordinate all functions of the Department of Health, Education and Welfare related to water pollution.

[(b)] (c) Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.

~~FEDERAL WATER POLLUTION CONTROL ADMINISTRATION~~

~~Sec. 2. Effective ninety days after the date of enactment of this section there is created within the Department of Health, Education, and Welfare a Federal Water Pollution Control Administration (hereinafter in this Act referred to as the "Administration"). The head of the~~

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~~Administration shall be appointed, and his compensation fixed, by the Secretary, and shall, through the Administration, administer this Act.~~
~~The head of the Administration may, in addition to regular staff of the Administration, which shall be initially provided from personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions.~~

INSTITUTE OF WATER SUPPLY AND POLLUTION CONTROL

Sec. 2. (a) Effective ninety days after the date of enactment of this section, there is created within the Public Health Service a bureau to be known as the Institute of Water Supply and Pollution Control (hereinafter in this Act referred to as "the Institute").

(b) The head of the Institute shall have had formal engineering or scientific training, as well as substantial experience in the administration of water supply and pollution control activities, and he shall be appointed, and his compensation fixed, by the Secretary, and shall, through the Institute, administer this Act.

COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

[Sec. 2.] Sec. 3. (a) The Secretary shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution control agencies and interstate agencies, and with the municipalities and industries involved, prepare or develop comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries thereof and improving the sanitary condition of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. For the purpose of this section, the Secretary is authorized to make joint investigations with any such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may adversely affect such waters.

(b) (1) In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulations of streamflow for the purpose of water quality control, ~~except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.~~

(2) The need for and the value of storage for this purpose shall be determined by these agencies, with the advice of the Secretary, and his views on these matters shall be set forth in any report or presentation to the Congress proposing authorization or construction of any reservoir including such storage.

(3) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of water quality control in a manner which will insure that all project purposes share equitably in the benefits of multiple-purpose construction.

(4) Costs of water quality control features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable.

INTERSTATE COOPERATION AND UNIFORM LAWS

[Sec. 3.] Sec. 4. (a) The Secretary shall encourage cooperative activities by the States for the prevention and control of water

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pollution; encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and control of water pollution; and encourage compacts between States for the prevention and control of water pollution.

(b) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of water pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State or party thereto unless and until it has been approved by the Congress.

RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

[SEC. 4.] *Sec. 5.* (a) The Secretary shall conduct in the Department of Health, Education, and Welfare and encourage, cooperate with, and render assistance to other appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, control, and prevention of water pollution. In carrying out the foregoing, the Secretary is authorized to—

(1) collect and make available, through publications and other appropriate means, the results of and other information as to research, investigations, and demonstrations relating to the prevention and control of water pollution, including appropriate recommendations in connection therewith;

(2) make grants-in-aid to public or private agencies and institutions and to individuals for research or training projects and for demonstrations, and provide for the conduct of research, training, and demonstrations by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

(3) secure, from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants as authorized by section 15 of the Administrative Expenses Act of 1940 (5 U.S.C. 55a);

(4) establish and maintain research fellowships in the Department of Health, Education, and Welfare with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships;

Provided, That the Secretary shall report annually to the appropriate committees of Congress on his operations under this paragraph; and

(5) provide training in technical matters relating to the causes, prevention, and control of water pollution to personnel of public agencies and other persons with suitable qualifications.

(b) The Secretary may, upon request of any State water pollution control agency, or interstate agency, conduct investigations and

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search and make surveys concerning any specific problem of water pollution confronting any State, interstate agency, community, municipality, or industrial plant, with a view of recommending a solution of such problem.

(c) The Secretary shall, in cooperation with other Federal, State, and local agencies having related responsibilities, collect and disseminate basic data on chemical, physical, and biological water quality and other information insofar as such data or other information relate to water pollution and the prevention and control thereof.

(d)(1) In carrying out the provisions of this section the Secretary shall develop and demonstrate under varied conditions (including conducting such basic and applied research, studies, and experiments as may be necessary):

(A) Practicable means of treating municipal sewage and other waterborne wastes to remove the maximum possible amounts of physical, chemical, and biological pollutants in order to restore and maintain the maximum amount of the Nation's water at a quality suitable for repeated reuse;

(B) Improved methods and procedures to identify and measure the effects of pollutants on water uses, including those pollutants created by new technological developments; and

(C) Methods and procedures for evaluating the effects on water quality and water uses of augmented streamflows to control water pollution ~~not susceptible to other means of abatement.~~

(2) For the purposes of this subsection there is authorized to be appropriated not more than \$5,000,000 for any fiscal year, and the total sum appropriated for such purposes shall not exceed \$25,000,000.

(e) The Secretary shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention and control of water pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such research might be carried out.

(f) The Secretary shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, an evaluation of the water quality needs of those to be served by such waters, an evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving water pollution problems (including additional waste treatment measures) with respect to such waters.

GRANTS FOR RESEARCH AND DEVELOPMENT

Sec. 6. The Secretary is authorized to make grants to any State; municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of un-

(3B)

(see also
3A, p. 2)

(3B)

(see also
3A, p. 2)

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treated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes, and for the purpose of reports, plans, and specifications in connection therewith:

Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by an appropriate State water pollution control agency or agencies and by the Secretary; (2) no grant shall be made for any project in an amount exceeding 50 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration of a new or improved method of controlling the discharge into any water of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes.

There are hereby authorized to be appropriated for the fiscal year ending June 30, 1964, and for each of the next three succeeding fiscal years, the sum of \$20,000,000 per fiscal year for the purpose of making grants under this section. Sums so appropriated shall remain available until expended. No grant shall be made for any project in an amount exceeding 5 per centum of the total amount authorized by this section in any one fiscal year.

GRANTS FOR WATER POLLUTION CONTROL PROGRAMS

[SEC. 5.] *Sec. 7. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1957, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1961, \$3,000,000, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1968, \$5,000,000, for grants to States and to interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution.*

(b) The portion of the sums appropriated pursuant to subsection (a) for a fiscal year which shall be available for grants to interstate agencies and the portion thereof which shall be available for grants to States shall be specified in the Act appropriating such sums.

(c) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to the several States, in accordance with regulations, on the basis of (1) the population, (2) the extent of the water pollution problem, and (3) the financial need of the respective States.

(d) From each State's allotment under subsection (c) for any fiscal year the Secretary shall pay to such State an amount equal to its Federal share (as determined under subsection (h)) of the cost of carrying out its State plan approved under subsection (f), including the cost of training personnel for State and local water pollution control work and including the cost of administering the State plan.

(e) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to interstate agencies, in accordance with regulations, on such basis as the Secretary finds reasonable and equitable. He shall from time to time pay to each such agency, from its allotment, an amount equal to such portion of the cost of carrying out its plan approved under subsection (f) as may

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be determined in accordance with regulations, including the cost of training personnel for water pollution control work and including the cost of administering the interstate agency's plan. The regulations relating to the portion of the cost of carrying out the interstate agency's plan which shall be borne by the United States shall be designed to place such agencies, so far as practicable, on a basis similar to that of the States.

(f) The Secretary shall approve any plan for the prevention and control of water pollution which is submitted by the State water pollution control agency or, in the case of an interstate agency, by such agency, if such plan—

(1) provides for administration or for the supervision of administration of the plan by the State water pollution control agency or, in the case of a plan submitted by an interstate agency, by such interstate agency;

(2) provides that such agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require to carry out his functions under this Act;

(3) sets forth the plans, policies, and methods to be followed in carrying out the State (or interstate) plan and in its administration;

(4) provides for extension or improvement of the State or interstate program for prevention and control of water pollution;

(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan; and

(6) sets forth the criteria used by the State in determining priority of projects as provided in section [8(b)(4)] 8(b)(4).

The Secretary shall not disapprove any plan without first giving reasonable notice and opportunity for hearing to the State water pollution control agency or interstate agency which has submitted such plan.

(g)(1) Whenever the Secretary, after reasonable notice and opportunity for hearing to a State water pollution control agency or interstate agency finds that—

(A) the plan submitted by such agency and approved under this section has been so changed that it no longer complies with a requirement of subsection (f) of this section; or

(B) in the administration of the plan there is a failure to comply substantially with such a requirement,

the Secretary shall notify such agency that no further payments will be made to the State or to the interstate agency, as the case may be, under this section (or in his discretion that further payments will not be made to the State, or to the interstate agency, for projects under or parts of the plan affected by such failure) until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Secretary shall make no further payments to such State, or to such interstate agency, as the case may be, under this section (or shall limit payments to projects under or parts of the plan in which there is no such failure).

(2) If any State or any interstate agency is dissatisfied with the Secretary's action with respect to it under this subsection, it may appeal to the United States court of appeals for the circuit in which

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such State (or any of the member States, in the case of an interstate agency) is located. The summons and notice of appeal may be served at any place in the United States. The findings of fact by the Secretary, unless contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action. Such new or modified findings of fact shall likewise be conclusive unless contrary to the weight of the evidence. The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

(h)(1) The "Federal share" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the Federal share shall in no case be more than 66 $\frac{2}{3}$ per centum or less than 33 $\frac{1}{3}$ per centum, and (B) the Federal share for Puerto Rico and the Virgin Islands shall be 66 $\frac{2}{3}$ per centum.

(2) The "Federal shares" shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita income of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation: *Provided*, That the Federal shares promulgated by the Secretary pursuant to section 4 of the Water Pollution Control Act Amendments of 1956, shall be conclusive for the period beginning July 1, 1956, and ending June 30, 1959.

(3) As used in this subsection, the term "United States" means the fifty States and the District of Columbia.

(4) Promulgations made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe a Federal share for Alaska of 50 per centum and, for purposes of such promulgations, Alaska shall not be included as part of the "United States". Promulgations made thereafter but before per capita income data for Alaska for a full three-year period are available for the Department of Commerce shall be based on satisfactory data available therefrom for Alaska for such one full year or, when such data are available for a two-year period, for such two years.

(i) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

(j) The method of computing and paying amounts pursuant to subsection (d) or (e) shall be as follows:

(1) The Secretary shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State (or to each interstate agency in the case of subsection (e)) under the provisions of each subsection for each period, such estimate to be based on such records of the State (or the interstate agency) and information furnished by it, and such other investigation, as the Secretary may find necessary.

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(2) The Secretary shall pay to the State (or to the interstate agency), from the allotment available therefor, the amount so estimated by him for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid such State (or such interstate agency) for any prior period under such subsection was greater or less than the amount which should have been paid to such State (or such agency) for such prior period under such subsection. Such payments shall be made through the disbursing facilities of the Treasury Department, in such installments as the Secretary may determine.

GRANTS FOR CONSTRUCTION

[Sec. 6.] *Sec. 8. (a)* The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters and for the purpose of reports, plans, and specifications in connection therewith.

(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary and unless such project is included in a comprehensive program developed pursuant to this Act; (2) except as otherwise provided in this clause, no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Secretary, or in an amount exceeding [\$600,000,] \$2,000,000, whichever is the smaller: *Provided*, That the grantee agrees to pay the remaining cost: *Provided further*, That, in the case of a project which will serve more than one municipality (A) the Secretary shall, on such basis as he determines to be reasonable and equitable, allocate to each municipality to be served by such project its share of the estimated reasonable cost of such project, and shall then apply the limitations provided in this clause (2) to each such share as if it were a separate project to determine the maximum amount of any grant which could be made under this section with respect to each such share, and the total of all the amounts so determined or [\$2,400,000,] \$6,000,000, whichever is the smaller, shall be the maximum amount of the grant which may be made under this section on account of such project, and (B) for the purpose of the limitation in the last sentence of subsection (d), the share of each municipality so determined shall be regarded as a grant for the construction of treatment works; (3) no grant shall be made for any project under this section until the applicant has made provision satisfactory to the Secretary for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; (4) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of [section 5] section 7 and has been certified by the State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs; and (5) no grant shall be made under this section for any project in any State in an

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amount exceeding \$250,000 until a grant has been made thereunder for each project in such State (A) for which an application was filed with the appropriate State water pollution control agency prior to one year after the date of enactment of this clause and (B) which the Secretary determines met the requirements of this section and regulations thereunder as in effect prior to the date of enactment of this clause.

(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) for any fiscal year shall be allotted by the Secretary from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. Sums allotted to a State under the preceding sentence which are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b)(1) of this section and certified as entitled to priority under subsection (b)(4) of this section, shall be reallocated by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made because of lack of funds: *Provided, however,* That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State by reallocation under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second and third sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section. For purposes of this section, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

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(d) There are hereby authorized to be appropriated for each fiscal year through and including the fiscal year ending June 30, 1961, the sum of \$50,000,000 per fiscal year for the purpose of making grants under this section. There are hereby authorized to be appropriated, for the purpose of making grants under this section, \$80,000,000 for the fiscal year ending June 30, 1962, \$90,000,000 for the fiscal year ending June 30, 1963, \$100,000,000 for the fiscal year ending June 30, 1964, \$100,000,000 for the fiscal year ending June 30, 1965, \$100,000,000 for the fiscal year ending June 30, 1966, and \$100,000,000 for the fiscal year ending June 30, 1967. Sums so appropriated shall remain available until expended: *Provided*, That at least 50 percent of the funds so appropriated for each fiscal year shall be used for grants for the construction of treatment works servicing municipalities of 125,000 population or under.

(e) The Secretary shall make payments under this section through the disbursing facilities of the Department of the Treasury. Funds so paid shall be used exclusively to meet the cost of construction of the project for which the amount was paid. As used in this section the term "construction" includes preliminary planning to determine the economic and engineering feasibility of treatment works, the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of treatment works; and the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works; and the inspection and supervision of the construction of treatment works.

(f) Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant made under subsection (b) of this section by 10 per centum for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term "metropolitan area" means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof.

[(f)] (g) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects for which grants are made under this section shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon

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Act (46 Stat. 1494; 40 U.S.C., secs. 276a through 276a-5). The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (16 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 1332-16) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276(c)).

WATER POLLUTION CONTROL ADVISORY BOARD

[SEC. 7.] Sec. 9. (e) (1) There is hereby established in the Department of Health, Education, and Welfare, a Water Pollution Control Advisory Board, composed of the Secretary or his designee, who shall be chairman, and nine members appointed by the President, none of whom shall be Federal officers or employees. The appointed members, having due regard for the purposes of this Act, shall be selected from among representatives of various State, interstate and local governmental agencies, of public or private interests contributing to, affected by, or concerned with water pollution, and of other public and private agencies, organizations, or groups demonstrating an active interest in the field of water pollution prevention and control, as well as other individuals who are expert in this field.

(2)(A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of the members first taking office after June 30, 1956, shall expire as follows: three at the end of one year after such date, three at the end of two years after such date, and three at the end of three years after such date, as designated by the President at the time of appointment, and (iii) the term of any member under the preceding provisions shall be extended until the date on which his successor's appointment is effective. None of the members appointed by the President shall be eligible for reappointment within one year after the end of his preceding term but terms commencing prior to the enactment of the Water Pollution Control Act Amendments of 1956 shall not be deemed "preceding terms" for purposes of this sentence.

(B) The members of the Board who are not officers or employees of the United States, while attending conferences or meetings of the Board or while otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding \$50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

(b) The Board shall advise, consult with, and make recommendations to the Secretary on matters of policy relating to the activities and functions of the Secretary under this Act.

(c) Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Department of Health, Education, and Welfare.

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ENFORCEMENT MEASURES AGAINST POLLUTION OF INTERSTATE OR NAVIGABLE WATERS

Sec. [8] 10. (a) The pollution of interstate or navigable waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of any person, shall be subject to abatement as provided in this Act.

(b) Consistent with the policy declaration of this Act, State and interstate action to abate pollution of interstate or navigable waters shall be encouraged and shall not, except as otherwise provided by or pursuant to court order under subsection [(g)] (h), be displaced by Federal enforcement action.

(c)(1) In order to carry out the purposes of this Act, in the absence of standards of water quality assigned by appropriate authority, ^{the Secretary} may, after reasonable notice and public hearing and in consultation with the Secretary of the Interior and with other Federal agencies, with State and interstate water pollution control agencies, and with municipalities and industries involved, prepare regulations setting forth standards or sets of standards of water quality to be applicable to interstate waters or to different portions thereof believed by the Secretary to be susceptible to interstate pollution.

(2) The Secretary shall also call such a public hearing on his own motion or when petitioned to do so by the Governor of any State subject to or affected by the water quality standards set pursuant to this subsection for the purpose of considering a revision in such standards. In the event that such public hearing indicates the desirability for revision in such standards, the Secretary shall, in consultation with the Secretary of the Interior and with other Federal agencies, with State and interstate water pollution control agencies, and with municipalities and industries involved, prepare such revised standards of water quality.

(3) Such standards of quality shall be such as to protect the public health and welfare ~~and serve the purposes of this Act~~, serve to encourage the prevention of water pollution and furnish the basis for the abatement of interstate pollution. ~~In establishing standards designed to enhance the quality of such waters,~~ of water quality, ^{the Secretary} shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and ~~all~~ other legitimate uses.

(4) The Secretary shall promulgate the standards pursuant to this subsection with respect to any waters only if, within a reasonable time after being requested by the Secretary to do so, the appropriate ~~State or interstate agency has~~ State or Interstate agency has not developed standards of water quality ~~to be consistent with paragraph (3) of this subsection and applicable to such interstate waters or to the different portions thereof.~~ found by the Secretary

(5) The discharge of matter into such interstate waters, which ~~reduces the quality of such waters below the water quality standards promulgated by the Secretary pursuant to paragraph (4) of this subsection or established by the appropriate State or interstate agencies consistent with paragraph (3) of this subsection~~ results in interstate pollution (whether the matter causing or contributing to such ~~reduction~~ interstate pollution

is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters), is subject to abatement in accordance with the provisions of this section.

(6) Nothing in this subsection shall (a) prevent the application of this section to any case to which subsection (a) of this section would otherwise be applicable, or (b) extend Federal jurisdiction over water not otherwise authorized by this Act.

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(7) All action taken under this section for the adoption of standards and the promulgation of rules and regulations shall be taken in conformity with provisions of the Administrative Procedure Act.

[(c)] (d)(1) Whenever requested by the Governor of any State or a State water pollution control agency, or (with the concurrence of the Governor and of the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the State or States where such discharge or discharges originate and shall call promptly a conference of such agency or agencies and of the State water pollution control agency and interstate agency, if any, of the State or States, if any, which may be adversely affected by such pollution. Whenever requested by the Governor of any State, the Secretary shall, if such request refers to pollution of interstate or navigable waters which is endangering the health or welfare of persons only in the requesting State in which the discharge or discharges (causing or contributing to such pollution) originate, give formal notification thereof to the water pollution control agency and interstate agency, if any, of such State and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution on the legitimate uses of the waters is not of sufficient significance to warrant exercise of Federal jurisdiction under this section. The Secretary shall also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) and endangering the health or welfare of persons in a State other than that in which the discharge or discharges originate is occurring[.]; or he finds that substantial economic injury ~~results~~ has resulted from the inability to market shellfish or shellfish products in interstate commerce because of ~~pollution referred to in subsection (a) and action of Federal, State, or local authorities.~~ the marketing thereof has been prohibited by an order or decree of Federal authorities charged with the enforcement of public health standards on the ground that such shellfish or shellfish products constitute a threat to the health and welfare of any person, and he further finds that such conditions are due to pollution as described in subsection (a).

(2) The agencies called to attend such conference may bring such persons as they desire to the conference. Not less than three weeks' prior notice of the conference date shall be given to such agencies.

(3) Following this conference, the Secretary shall prepare and forward to all the water pollution control agencies attending the conference a summary of conference discussions including (A) occurrence of pollution of interstate and navigable waters subject to abatement under this Act; (B) adequacy of measures taken toward abatement of the pollution; and (C) nature of delays, if any, being encountered in abating the pollution.

[(d)] (e) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons is being endangered, he shall recommend to the appropriate State water pollution control agency that it take necessary remedial action. The Secretary shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.

[(e)] (f) If, at the conclusion of the period so allowed, such remedial action has not been taken or action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution has not been taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a Hearing Board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member

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of the Hearing Board and at least one member shall be a representative of the Department of Commerce, and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks' prior notice of such hearing shall be given to the State water pollution control agencies and interstate agencies, if any, called to attend the aforesaid hearing and the alleged polluter or polluters. On the basis of the evidence presented at such hearing, including the

practicability of complying with such standards as may be applicable,

the Hearing Board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the Hearing Board finds such pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution. The Secretary shall send such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution, together with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution, and shall also send such findings and recommendations and such notice to the State water pollution control agency and to the interstate agency, if any, of the State or States where such discharge or discharges originate.

[(f)] (g) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

(1) in the case of pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of pollution, and

(2) in the case of pollution of waters which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate, may, with the written consent of the Governor of such State, request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution.

[(g)] (h) The court shall receive in evidence in any such suit a transcript of the proceedings before the Board and a copy of the Board's recommendations and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability of complying with such standards as may be applicable and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.

~~(i) For the purposes of this section, the Secretary or his designee shall have power to administer oaths and to compel the presence and testimony of witnesses and the production of any evidence that relates to any matter under investigation under this section, by the issuance of subpoenas. Witnesses so subpoenaed shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States. In case of contumacy by, or refusal to obey a subpoena duly served upon, any person, any district court of the United States for the judicial district in which such person charged with contumacy or refusal to obey to found or reside or transacts business, upon application by the Secretary or the Attorney General, shall have jurisdiction to issue an order requiring such person to appear and give testimony, or to appear and produce evidence, or both. Any failure to obey such order of the court may be punished by the court as contempt thereof.~~

[(h)] (j) Members of any Hearing Board appointed pursuant to [subsection (e)] subsection (f) who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such Board or otherwise engaged on the work of such Board, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding \$100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of sub-

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istence, as authorized by law (5 U.S.C. 73h-2) for persons in the Government service employed intermittently.

[(1)] (k) As used in this section the term—

(1) "person" includes an individual, corporation, partnership, association, State, municipality, and political subdivision of a State, and

(2) "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

COOPERATION TO CONTROL POLLUTION FROM FEDERAL INSTALLATIONS

[SEC. 9.] *Sec. 11.* (a) It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, insofar as practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and with any State or interstate agency or municipality having jurisdiction over waters into which any matter is discharged from such property, in preventing or controlling the pollution of such waters. In his summary of any conference pursuant to [section 8(c)(3)] *section 10(d)(3)* of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any Federal property. Notice of any hearing pursuant to [section 8(e)] *section 10(f)* involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property involved and the findings and recommendations of the Hearing Board conducting such hearing shall also include references to any such discharges which are contributing to the pollution found by such Hearing Board.

Sec. 12 ADMINISTRATION

[SEC. 10.] (a) The Secretary is authorized to prescribe such regulations as are necessary to carry out his functions under this Act.

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(b) The Secretary, with the consent of the head of any other agency of the United States, may utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this Act.

(c) There are hereby authorized to be appropriated to the Department of Health, Education, and Welfare such sums as may be necessary to enable it to carry out its functions under this Act.

(d) *Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.*

(e) *The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act.*

Sec. 13 DEFINITIONS

[SEC. 11.] When used in this Act—

(a) The term "State water pollution control agency" means the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

(b) The term "interstate agency" means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

(c) The term "treatment works" means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

(d) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(e) The term "interstate waters" means all rivers, lakes, and other waters that flow across or form a part of State boundaries, including coastal waters.

(f) The term "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

(g) The term "standards of water quality" means the one or more bacteriological, physical and/or chemical specifications descriptive of the limiting allowable conditions of water consistent with the requirements of paragraph (4) of subsection (c) of Section 10 of this Act, or of the corresponding requirements of the State, or of the Interstate agency having jurisdiction over such waters.

(h) The term "pollution" means a condition of the water which endangers the health or welfare of any persons, and which contravenes standards of water quality assigned by appropriate authority.

(i) The term "interstate pollution" means pollution of water within one State resulting from action within another State.

OTHER AUTHORITY NOT AFFECTED

[SEC. 12.] Sec. 14. This Act shall not be construed as (1) superseding or limiting the functions, under any other law, of the Surgeon General or of the Public Health Service, or of any other officer or agency of the United States, relating to water pollution, or (2) affecting

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS

or impairing the provisions of the Oil Pollution Act, 1924, or sections 13 through 17 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes", approved March 3, 1899, as amended, or (3) affecting or impairing the provisions of any treaty of the United States.

SEPARABILITY

Sec. 15.

[Sec. 13.] If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SHORT TITLE

Sec. 16.

[Sec. 14.] This Act may be cited as the "Federal Water Pollution Control Act".

Dr. TAYLOR. We believe our proposed changes to be consistent with the purpose of the act.

I think perhaps at this point it might be helpful to turn to this attachment, which you have copies of. The various matters which are presented there are a little complicated. I would like to read the key to it so in commenting on specific items later, you will follow it.

In this document marked "Exhibit A," existing law in which no change is proposed is shown in roman type. Existing law proposed to be omitted by the provisions of H.R. 3988 is enclosed in black brackets. Additions proposed by H.R. 3988 are printed in italics. Deletions proposed by the American Paper Institute that are in either existing law or in H.R. 3988 are stricken through. Additions to the law proposed by the American Paper Institute are shown in type-writing. The vertical lines and numbers in the margins delineate the additions and deletions proposed by our institute.

I would ask, sir, that this exhibit be made a part of the record.

Mr. BLATNIK. Yes; we will incorporate this as part of the record.

Dr. TAYLOR. Of course, we would be pleased if you do it any way which would include it in the record.

Mr. BLATNIK. It shall be available to all members.

Dr. TAYLOR. Yes.

Mr. CRAMER. Mr. Chairman, point of inquiry.

The gentleman asked that it be made a part of the record. The chairman indicated he would make it part of the record by reference, meaning it will not be printed in the record. It will be an exhibit, but not in the printed record.

I think the gentleman asked that it be made a part of the record.

Dr. TAYLOR. We would like it very much to be a part of the record, sir.

Mr. BLATNIK. We try where possible—the chairman of the full committee has asked that we do not reproduce the bill itself, H.R. 3988, in the body of the hearing. The chairman asked yesterday that it not be incorporated to keep down the expense of printing.

Mr. BALDWIN. Mr. Chairman, in this particular case, since the testimony refers to these amendments all the way through, it seems to me that in effect, unless this exhibit A is included in the part of the printed record, we are in effect saying that the man's testimony should be thrown out completely. I do not think this is the proper treatment of the witness.

Mr. JONES. Mr. Chairman.

Mr. BLATNIK. Mr. Jones.

Mr. JONES. In view of the fact that the witness is offering an exhibit to which he makes reference, then I ask unanimous consent that not all of the bill be made a part of the record, only those sections of it to which he makes reference.

I see no reason for reprinting here page after page which the witness does not bring into play.

These records are rather expensive. So since the witness will not refer to a lot of sections of the bill, include only those which he has particularized.

Dr. TAYLOR. It will be quite helpful to have at least that much, Mr. Chairman.

Mr. BLATNIK. Yes. As I said, the chairman yesterday requested we make reference in our testimony to various sections of H.R. 3988, but that the bill not appear in the hearing. So it will be available, of course, to all the committees. We will handle this in the same way.

Dr. TAYLOR. All right, sir.

Mr. CRAMER. Mr. Chairman, is that my understanding, then—

Mr. JONES. I ask unanimous consent, Mr. Chairman, that those portions of the bill to which the witness has reference in exhibit A be printed at the conclusion of his statement, but not those other sections of the bill, which are already before the committee.

Mr. CRAMER. Reserving right to object, I agree with the gentleman and suggest we perhaps refer to pages 1 through 4 and 12, 13, 14, and 16.

Mr. JONES. What I had in mind—

Mr. CRAMER. That would accomplish—

Mr. JONES. What I had in mind was those which he has designated to be part of the record.

I see no reason why we should put in the record other portions of the bill to which he does not refer.

Dr. TAYLOR. Sir, do I understand that you are suggesting that these pages on which we have the marginal numbers be included and not the others?

Mr. BLATNIK. That is correct.

Mr. JONES. That is correct.

Dr. TAYLOR. This would be very good and acceptable.

Mr. BLATNIK. Unanimous request is agreed to; without objection, it is so ordered.

Please proceed.

Dr. TAYLOR. Yes, sir.

The following comments deal specifically with section 10 of exhibit A regarding enforcement measures. Both Representative Blatnik, as well as companies in our industry, recognize that where standards of water quality are not assigned by appropriate authority, then—and in that event—the Secretary of Health, Education, and Welfare should, in accordance with the requirements of the Administrative Procedure Act, prepare suitable regulations developing such standards, or sets of standards, of water quality as should be applicable to interstate waters or various portions thereof which are susceptible to interstate pollution.

I would like to emphasize that it is our understanding that the intent of this law is to deal with interstate pollution, not intrastate pollution.

Mr. BLATNIK. That is right.

Dr. TAYLOR. There are a number of changes which are proposed in the standards section which we think makes this more susceptible to accomplishment.

Specifically, we recommend that subsection c(2) of section 10 be amended to provide that the Secretary may consider a revision in water quality standards by calling a hearing, or when petitioned to do so by the Governor of any State, subject to or affected by these standards. In this connection we believe that it is vital where there is an indication of the desirability for the revision in water quality standards, that the Secretary should adhere to the requirements of the Federal Administrative Procedure Act, and that the Secretary

should consult with the Secretary of the Interior and with other Federal agencies, "with State and interstate water pollution control agencies, and with municipalities and industries involved."

Our industry also concurs with the judgment of Representative Blatnik, that the Secretary of Health, Education, and Welfare should, in determining the standards of water quality, take into account their use and value for public water supplies, navigational purposes, protection of fish and wildlife, recreational purposes, agricultural, industrial, and all other legitimate uses of water.

I wish to emphasize the use of the words "all legitimate uses."

We believe that these standards of water quality should be promulgated by the Secretary only if, within a reasonable interval of time after being requested by the Secretary to do so, appropriate State or interstate agencies have not developed the necessary standards of water quality applicable to interstate waters or the various portions thereof.

H.R. 3988 would amend redesignated section 10 of the Federal Water Pollution Control Act by inserting a subsection (i) which provides for broad subpoena powers in the Secretary or his designee with respect "to any matter under investigation." We submit that the creation of virtually unlimited investigatory powers is neither needed nor warranted. The proposed subsection (i) would provide not only for testimony, but also for the collection, publication, and dissemination of documentary material which could well relate to the most intimate secrets of a company's operation, in the guise of developing information to assist in the abatement of interstate pollution. We strongly urge that this subsection, which is so patently open to abuse, be eliminated from any bill reported from this committee.

In another part of the present law, some confusion has arisen concerning the intention of Congress, as expressed in subsection (b)(1) of section 2 of the present act. Certain Federal agencies consider the phrase—

except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste,

to preclude making any provision for low-flow augmentation, except where all wastes entering the stream are already treated to the maximum extent. The only practical way to provide for low-flow augmentation is at the time of construction of new impoundments. We feel that neglect of the contributions which such impoundments can make to downstream waste assimilative capacity is improvident, and we accordingly recommend that subsection (b)(1) of redesignated section 3 be amended to read as follows:

In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulations of streamflow for the purpose of water quality control—

correspondingly subsection (d)(1)(c) of redesignated section 5 be amended to read:

Methods and procedures for evaluating the effects on water quality and water uses of augmented streamflow to control water pollution.

It has become apparent, I think particularly so in discussion this morning, that understanding of and compliance with the Federal Water Pollution Control Act would be facilitated by the adoption of

additional definitions. The terms to which we are referring are "standards of water quality," "pollution," and "interstate pollution," and we recommend that definitions for these terms be added to redesignated section 13 of the act as follows:

"SEC. 13. (g) The term 'standards of water quality' means the one or more bacteriological, physical and/or chemical specifications descriptive of the limiting allowable conditions of water consistent with the requirements of paragraph (4) of subsection (c) of section 10 of this Act, or of the corresponding requirements of the State, or of the interstate agency having jurisdiction over such waters.

"SEC. 13. (h) The term 'pollution' means a condition of the water which endangers the health or welfare of any persons, and which contravenes standards of water quality assigned by appropriate authority. This would include standards assigned by State or interstate agencies in accordance with the proposed Act.

"SEC. 13. (i) The term 'interstate pollution' means pollution of water within one State resulting from action within another State."

In conclusion, everyone knows that water pollution is an important problem in the United States today. Our comments today represent, we believe, a realistic approach to this very real problem. It is perhaps not fully recognized how closely the interests of an industry coincide with the interests of the community and the general locality in which it operates. The solution of any industrial problem, such as a waste-disposal problem, is conducive to the growth of the industry. This, in turn, is conducive to the growth of the economy. Both industry and community are motivated alike to solve these problems.

While we recognize that this committee is concerned with drafting amendments to the Federal Water Pollution Control Act, and that any amendments to the Internal Revenue Code are of primary concern to the Committee on Ways and Means, nevertheless may we stress that the financial burden placed on industry of solving the pollution problem, which would greatly benefit all the people, could be lessened by favorable tax treatment of the moneys spent for these non-income-producing facilities. Much recognition has been given to this need in the past, and we urge that this matter be given prompt and favorable consideration by the Congress.

As citizens and as an industry, we will continue our water pollution abatement efforts to the fullest extent consistent with the needs of our society and within our economic capabilities.

We are grateful for the opportunity to appear before this committee and present our views on and to propose amendments to H.R. 3988. We trust that this committee will consider carefully our suggested amendments and incorporate their language in such bill as may be reported.

Thank you, gentlemen.

Mr. BLATNIK. Thank you very much, Dr. Taylor. It is a very good statement.

In the last page, Doctor, you refer to some form of assistance in taxing private industries for pollution abatement facilities, which are quite an economic problem.

I am very strongly in favor of that and, over the years, have discussed it with various industry people. I want to introduce a bill of my own which previously has been before the Ways and Means

Committee. I have urged them to get together with their legal and fiscal specialists and work up legislation language that would meet their needs.

I am very pleased to introduce, support, and actively advocate that legislation. They do need such assistance.

Dr. TAYLOR. We certainly appreciate that.

Mr. BLATNIK. Especially your department, sir.

Dr. TAYLOR. Our financial officers committee will be happy to work with your staff or others in this project.

Mr. BLATNIK. Any questions?

Mr. Dorn?

Mr. DORN. I want to thank Dr. Taylor for a very fine statement.

I would like to ask Dr. Taylor if this section of the bill, about records, is not it a fact that already in your industry, in industries you represent, this paperwork, filling out of blanks, is getting to be a tremendous burden?

I have have one representative of one of your companies tell me recently that just to fill out additional blanks for the Federal Government alone over 2 or 3 years ago has increased \$250,000 a year. With that kind of stuff, he said, "We could build with that money—without these extra blanks—an extra plant and pay for it in 25 or 30 years, and employ 1,000 people."

If the farm I own is any indication of what you people go through, I would not blame any of you for quitting, because I have to tell them every week how many billy goats I have got and how many sheep, difference between a boy goat and a she goat, and all that stuff, for the Department of Agriculture. I mean it is fantastic. It is incredible to people who are not familiar with it.

I have just issued orders to my office not to fill out these things any more.

That is just a few acres of land.

Dr. TAYLOR. We would like to be able to issue the same order.

Truly, the burden of filling out a multiplicity of reports for the Government is great. There is the other serious, even more serious, aspect of this, and that is that we feel we expose intimate detail of our operation to our competitors and others needlessly and not in a way that materially helps the end in sight.

Mr. BLATNIK. Doctor, I may comment on that point. I agree with you it is not the intent, certainly not my intent, to have the subpoena power be unlimited and enable any Federal people to go into your very confidential classified products or results of your own resource and development. Obviously the language shall have to be rewritten. But we have encountered quite a few cases where very simple information given orally—where downstream the certain pollutant is detected, has been injurious to fish, perhaps to human beings, they trace it upstream and are not sure what plant it is coming from. With rapid development of new synthetics, new types of plastics, new types of processing in textiles as well as new chemicals introduced in your own paper manufacturing industry in recent years, we would like to investigate. Our people are denied that simple information.

I agree with you, only that which pertains to possible pollutants should be included. But yet they should not have unrestricted access to all company documents, files, or formula, data, your own proc-

esses which you are developing, which are, of course, highly privileged and extremely important to you in a very competitive industry.

Dr. TAYLOR. Well, the words to which we object seem to be limited in their effect only by the imagination of the asker. This disturbs us greatly.

With reference to identifying pollutants, we have had amazing advances in technology of this sort in the last several years.

I am really quite surprised if anyone seriously contends that they, having identified a particular pollutant, cannot tell where it came from.

Mr. BALDWIN. Mr. Chairman.

Mr. BLATNIK. Mr. Baldwin.

Mr. BALDWIN. Dr. Taylor, although on page 4, in the last sentence on the page, you mentioned you concur with the judgment of Representative Blatnik that the Secretary of Health, Education, and Welfare should, in determining the standards of water quality, take into account their use and value for public water supplies, navigational purposes, protection of fish and wildlife, I notice in your proposed definition of pollution over on page 6, the middle one, section 13(h), you state, "The term 'pollution' means a condition of the water which endangers the health or welfare of any persons"; you do go on and say, "and which contravenes standards of water quality assigned by appropriate authority."

I might say right now, perhaps it is one of the most serious problems we have in the San Joaquin-Sacramento Delta and the San Francisco Bay, the problem of the kind of alkaline water discharged in the San Joaquin River is making it impossible for salmon, which formerly ran up that river to spawn, to any longer survive in it. At times we have had discharges of chemicals and other things that have caused extensive fish kills in the area.

So I do not believe that the general public any longer feels pollution should be limited to whether it endangers the health or welfare of persons; I think that they also want to be sure that we consider other aspects, such as the protection of fish life, in this definition.

Dr. TAYLOR. These suggestions to modify the standards section in three definitions were submitted in effect as a package, as they relate to one another.

There was not intended to be any implication that the reference to health or welfare in the standards would mean it is all right to kill fish, just so you do not kill people. As a matter of fact, this would be essentially as strong if the reference to health or welfare were left out and it simply referred to contraversion of standards, which are assumed by other parts of the act to include consideration of all the related-interrelated, conflicting sometimes, uses of the water.

Mr. BALDWIN. Thank you.

Dr. TAYLOR. In this prior section, the Secretary is directed, as are the authorities in most of the States, to take into account recreation, health, and welfare, fish life, et cetera.

Mr. CRAMER. I think you raised some very interesting points, Dr. Taylor. With regard to No. 1, not to the exclusion of the other points you raised, in particular with regard to the amendments on the proposed setting of standards, specifically with regard to definition, it has been of concern to me that perhaps without some description

or delineation or proscription of what the authority for such standards would include, of course, one way to approach it would be by definition, that the Federal Government in effect would have the power and that this is not a debating issue. But this is foreseen, what might cause pollution, and thus it is regulating what use the streams or the shores of the streams can be made. That is the broad effect of setting standards.

You are suggesting one method, possibly by use of definition, proscribing exactly what should be included in that power. If that is not fixed, it will end up, will it not, with the Federal Government in effect being zoning agency of every stream in America or the shores thereof.

Dr. TAYLOR. We thought we heard this morning the intention of the Federal Government to control all pollution, both intrastate and interstate. This worries me exceedingly.

Mr. CRAMER. Yes. But if the only definition used is the phraseology in the recommended language of section 10(c), or (c) (1) :

In order to carry out the purposes of this act, in the absence of standards of water quality assigned by appropriate authority, the Secretary may, after reasonable measures and public hearing and in consultation with the Secretary of the Interior and with other Federal agencies, with State and interstate water pollution control agencies, and with municipalities and industries involved, prepare regulations setting forth standards or sets of standards of water quality to be applicable to interstate waters.

Dr. TAYLOR. Yes, sir.

Mr. CRAMER. That is extremely broad, general authority. It has no limitation whatsoever as to what standards water quality might mean. They could decide in a given area that those rivers ought to be kept up sufficiently in a nonpolluted state to be drinkable except for human consumption. In other areas, they may set not quite that high a standard, but clear enough for fish to live in.

How do we know, how is it determined under the present wording at all what extent authority standard setting would be? It is unlimited.

Dr. TAYLOR. To some extent, yes, sir, it is.

In the first place, we had hoped that the material in subparagraph (3) would provide the guidelines by which the Secretary would set the standards, that he would only have the authority to set standards on interstate waters, and that these standards would only be used for the purpose of controlling interstate pollution. This was the purpose of some of these changes we have opposed here.

Mr. CRAMER. Yes. But then what standards do you set on interstate waters?

Dr. TAYLOR. Well, we have been afraid at times of the establishment of uniform, single standards applicable to all waters. We have repeatedly been assured this would not be the case, that local conditions would be taken into account.

We have come to believe that faithful adherence to the requirements of the practical standards set, as proposed in paragraph (3), would give us reasonable protection against unreasonable interpretation of the standards setting the power.

We propose in some of the other changes, also, you know, that the Secretary only have the authority to establish standards in the absence of authority set by the State or interstate agencies having

authority over their respective portions of the interstate waters involved.

Mr. CRAMER. That was my next question. Your definition very definitely settles that question. If your definition were adopted, as in the State of New York, assuming it had adequate standards, it would not be subject to any second level of jurisdiction of the Federal Government. That is the second phase of your definition of standards of water quality, right?

Dr. TAYLOR. That is what we hope.

Mr. CRAMER. "Or interstate agency having jurisdiction over such waters." And the corresponding requirements of the State in either instance.

Will you indicate, in the amendments on page 12, just what the thrust of those series of amendments are relating to this standards section? What would they result in as compared to what is in the bill?

Dr. TAYLOR. We hope that it would provide, first, that standards as set by the States, if set by the States, would be controlling in terms of determining whether interstate pollution exists or not. Only in the absence of standards established by the State are interstate agencies having jurisdiction over their respective parts of interstate waters, would the Secretary have any occasion to set standards.

If there was a vacuum, absence of standards, then he would set standards after appropriate consultation, hearings, et cetera; that such standards as the Secretary set would be set with a requirement to give consideration to all the multiple factors involved in multiple use of the waters, aiming at optimizing, maximizing, the social and public benefits.

Mr. CRAMER. On that point, I notice that none of the proposed measures include anything, any phrase like the "economic impact" of such standards or the "economic factors" of such standards.

Dr. TAYLOR. Well, each time we have proposed, in discussions, that such language be put in, we have been advised that this is inadvisable, that you have to assume the economic impact is implied here.

Perhaps we were not persistent enough.

We certainly think economic impact is of tremendous importance, especially economic impact on the localities, on health of industries on which a locality depends.

Mr. CRAMER. I would think so. Particularly, this is one way to help solve poverty in a few places. I would think economic impact of the standards set would have to be one of the elements considered. Yet I note in each instance, draftsmanship excludes that from consideration; yet, in every other instance, as we are dealing with countywide zoning or city zoning, or what have you, that is one of the major considerations in determining whether certain use should be made of the land.

Dr. TAYLOR. Well, in our item 6, which appears on page 14, there is reference to this by proposing a provision that the question of whether or not standards assigned should be complied with, should be based on a variety of considerations, including the practicability of complying with such standards as may have been set.

Mr. CRAMER. You get at it, to some extent, after the fact when hearings are set up?

Dr. TAYLOR. Yes, sir, hearings and court.

Mr. BALDWIN. I do not mean to interrupt. What is the further thrust of your further amendments of the standards section?

Dr. TAYLOR. Our attention has been directed mostly at what we must term, I think, clarification in light of some of the discussion we have heard, and that is to make it crystal clear that the authority of this act extends only to the abatement of interstate pollution.

I do not believe that in the existing law nor in the proposed amendments that this is clearly spelled out.

Mr. CRAMER. You recall our committee last year on this similar legislation decided to make this section discretionary and made the standards as a recommendation to the hearing board rather than mandatory, as would be the case in this instance. Which approach do you prefer?

Dr. TAYLOR. We would prefer that they be recommendations.

Mr. CRAMER. That is all.

Mr. DORN. Mr. Chairman.

Mr. BLATNIK. Mr. Dorn, can we make it brief? We have quite a few witnesses who have been waiting all day long. Many want to leave town for the weekend.

Mr. Dorn.

Mr. DORN. I do not want to belabor this point, but the doctor did mention here about this section requiring these records to be subpoenaed and all that business.

Hypothetically, you could have a plant on a free-flowing stream and would meet the standards of pollution control and abatement and so on, and then the Federal Government could go upstream from this hypothetical plant and build a giant dam, which changed the temperature of the water released and maybe they would decide not to release any at all. And, also, the oxygen content of the water released would be less, therefore requiring more treatment of effluent on your part. You could be accused of all kinds of things in this bill here. Whereas, the Government people that caused the pollution, the way I still see it, you could not do much about it.

Dr. TAYLOR. That precise thing has happened on more than one occasion. Some of our neighbor companies, in one case that I happen to be familiar with, a power dam was built downstream which had the effect of removing some 80 percent of the assimilative capacity of the stream on which the mill was located, and this particular instance was the subject of one of the HEW conferences within the last 18 months, and they are building more treatment plants.

Mr. BLATNIK. Thank you, Congressman Dorn.

Mr. Howard.

Mr. HOWARD. I have one quick question on the standards of water quality.

Dr. TAYLOR. Yes.

Mr. HOWARD. Where it might take the limiting allowable conditions of corresponding requirements of the State, if in your State you have high standards and you are being polluted possibly from another State, would that mean that no matter how high your standards are, the best water that you could have would be at the level of the lowest requirements of any State that feeds you?

Dr. TAYLOR. No, sir. The intent was to work just the reverse. As a matter of fact, we have a similar situation involving our own

company in which we produce waste in one State very close to the line. Our agreements with our home State establish certain minimum standards for that river as part of our agreement there, that our waste must not cause contravention of the standards of our neighboring State. It was the intent here that the standards of the receiving State be controlling in determining whether their waters were polluted or not.

Mr. BLATNIK. Dr. Taylor, thank you very much.

Dr. TAYLOR. Thank you, sir.

Mr. BLATNIK. The Honorable J. V. Whitfield, chairman of the North Carolina State Stream Sanitation Committee; former State Senator, one of the leaders in the State in the field of water pollution abatement.

Senator Whitfield is familiar to the committee and a personal friend of the Chair.

Senator, we welcome you with great pleasure and enthusiasm in your appearance.

STATEMENT OF J. V. WHITFIELD, CHAIRMAN, NORTH CAROLINA STATE STREAM SANITATION COMMITTEE; ACCOMPANIED BY E. C. HUBBARD, SECRETARY TO THE COMMITTEE

Senator WHITFIELD. Thank you, Mr. Chairman.

Mr. BLATNIK. May I state for the record that a constituent of a member of the committee, Dave Henderson, was compelled, by a prior commitment, to remain in North Carolina; otherwise, he would be here.

Senator, you have helped us on many occasions. I believe this is your 10th appearance before this committee on the same subject?

Senator WHITFIELD. Tenth appearance.

Mr. BLATNIK. You are most welcome and we appreciate your testimony.

Senator WHITFIELD. Thank you.

Mr. Chairman, I came partly out of courtesy to you because our situation in North Carolina is such that we are not worried so much about whatever law you pass.

Mr. BLATNIK. Senator, if the other States had the record of performance, the splendid record of your State, due primarily to your outstanding leadership and dedication to this great effort, I would not think these hearings would be necessary at all.

Senator WHITFIELD. Thank you.

This is Mr. E. C. Hubbard, our director of the division of fringe sanitation and hydrology, our executive secretary.

I might say in the beginning, Mr. Chairman and gentlemen, it is a pleasure, of course, to be here.

I might add also, in the beginning, that North Carolina has classified every river basin in the State. We started in 1952 and completed the job 11 years and 1 month later. So we have every major river basin classified in the 52,000 square miles of river basin.

So, Mr. Chairman and members of the Committee on Public Works, I am J. V. Whitfield, chairman of the North Carolina State Stream Sanitation Committee. The committee, Mr. Chairman, is the agency of the State having responsibility for the control of water pollution.

I am accompanied by Mr. E. C. Hubbard, secretary to the committee and director of the State's program.

We appreciate this opportunity of appearing before you to express our views with respect to the proposed amendments to the Federal Water Pollution Control Act as contained in Senate bill 4 which was recently passed by the Senate.

I might say we are dealing primarily with Senate bill 4, because, for some unknown reason, I did not know Mr. Blatnik had introduced a bill.

In this connection, let me assure you that we, in North Carolina, are fully aware of the necessity for establishing effective Federal and State programs for the elimination of pollution in the Nation's waterways. We also believe that both the State and Federal Governments have grave and kindred responsibility in the great effort being made throughout the country in this area of activity.

We have considered Senate bill 4 and support those portions of the bill dealing with the purpose of the act, providing grants for projects to demonstrate improved methods of controlling pollution from combined sewers, increasing construction grant limits, and providing additional grants for projects which conform to a comprehensive plan. However, we question certain other important provisions of the bill. These we wish to bring to your attention and to request that the bill be amended prior to passage by the Congress.

We oppose the section which, if enacted, would transfer major portions of the Federal water pollution control program from the Public Health Service to a new Federal Water Pollution Control Administration. We opposed this provision in S. 649 during the last session of the Congress and we still seriously question the necessity and wisdom of the creation of a situation under which the responsibilities for this important program would be divided between two agencies, even though both are within the same department. In our opinion, such fragmentation of the program at the national level could serve no useful purpose. It would, in fact, appear much more desirable that an effort be made to bring all phases of the program together into a single administrative unit where better coordination of all Federal water pollution control activities could be achieved.

I might say, Mr. Chairman and gentlemen, that the State Stream Sanitation Committee of North Carolina has always envisioned that this work should be under the Department of Public Health and be upgraded to the importance to which it deserves. We always have felt with the personnel it had there, if you took it out of there, you would be taking some personnel out or having to hunt other personnel. So that is one of the reasons we always envisioned to upgrade this agency and keep it under the Department of Public Health.

Furthermore, it has been our observation that the Public Health Service has achieved a rather high degree of success in administering the program. It has developed an outstanding corps of engineers and other scientists who are well trained in the techniques of water pollution control and research. Such personnel is limited; therefore, the dispersion of the existing staff of engineers, chemists and other research scientists of the Public Health Service between two agencies can only result in less than the most efficient usage of scarce technical and professional manpower. In view of this and since the Public Health

Service has already established, through its working relationship with the States, a sense of confidence which should be preserved, we believe it to be in the public interest to continue the program within the U.S. Public Health Service.

We concur in the belief that the status of the organization should be elevated and adequately financed to reflect its important role in the preservation of the Nation's water resources. To accomplish this we suggest consideration of creating, within the Public Health Service, a National Institute of Water Pollution Control to be responsible for all phases of the program—research, technical, enforcement, et cetera—under the provision of a qualified director. Certainly, the program in all of its aspects should be coordinated if we are to avoid the confusion which now exists and which is inevitable under a fragmented system of administration. We had hoped that this would be provided for in the new legislation, but the present bill does not appear to fully accomplish this objective.

Section 4 of the bill provides for the establishment of higher maximum construction grants for individual and joint municipal projects. While we do not specifically oppose this provision, it is obvious that the proposed increase in maximum allowable grants will serve to decrease the number of projects which may participate in the program annually and result in a corresponding increase in the backlog of pending project applications.

We, therefore, highly recommend that if there appears to be justification for increasing maximum construction grants, then such an increase should be accompanied by a similar increase in the annual appropriation for the program.

In this connection, we suggest that the Congress amend section 6 of the Federal Water Pollution Control Act to increase the authorization from \$100 million annually to \$200 million in order to satisfy the tremendous backlog of project applications now on file with the various State agencies. North Carolina has 26 pending applications representing requests totaling \$5 million covering proposed projects costing an estimated \$24.5 million.

It seems strange that the richest nation in the world could give money everywhere, \$3 billion to foreign aid, which I do not oppose in reason, but we cannot clean up our own streams, provide the funds with which to clean up our own waters.

About 6 or 7 years ago, I heard one of the experts from the Public Health Service say that it would take \$12 billion to clean up the streams of America, of the Nation. In 4 years we have given that to foreign nations, that much to foreign nations.

Water has become our most precious commodity. I am talking about usable water. I do not care how much water you have, if you cannot use it, it is valueless.

In 1900, this Nation used 31 billion gallons of water a day. In 1945, we used 150 billion gallons a day. Today we are using approximately 250 billion gallons a day. Our water engineers tell us by 1970 we will need 600 billion gallons a day.

Where are you going to get it?

Well, by research, perhaps we can get a little more from the clouds that pass us from the Pacific to the Atlantic. We only capture 10 percent in the form of rain from those clouds. Where does the other 90

percent go? We should keep every watershed in tiptop shape. We could add to it in that way.

Perhaps when nuclear power becomes cheaper, we can get maybe enough from the ocean. What is going to happen to that?

The point is this: you have got to clean up the streams. Our streams depend on the waters of our streams. We have to clean them up and use them over and over again.

Now, it seems like our great Nation can at least provide funds to take care of its water.

Now, here we come forward, we are going to increase certain projects here, make them larger, which I am in favor of. But that is going to cut down the number of projects.

We have 26 pending right now. We have the deadline on April 1. We will probably have about 40 by April 1. Other States, of course, have the same problem.

We do not believe it desirable for the Secretary of Health, Education, and Welfare to establish water quality standards for interstate waters. The water pollution control program has traditionally been one of Federal-State cooperation, and we believe that such cooperation has been largely responsible for the advancement of the program throughout the Nation. The enactment of this portion of the bill could result in superimposing Federal standards upon those already established by many of the States, thus creating confusion, duplication of effort, and the possible loss of much of the Federal-State cooperative relationship which has heretofore existed. It would appear to be much more desirable for the Secretary to develop recommended water quality standards or objectives to serve as a guide to the States in promulgating and applying same to the waters under their jurisdiction.

We required 2 years to classify a major river basin. Our engineers and our chemists checked and rechecked every mile of every river basin. That meant the main streams, the creeks, all rivers, and the large branches. It took 2 years. One river basin required 5 years, the most industrial one, the Catawba down in Charlotte, because we wanted to be right. Then, after we had completed our survey of that river basin and had classified what we considered each mile of it for its best usage, we called a public hearing up and down the river basin, from two to three public hearings on each river basin, depending on the size of the river, of course.

We have never had any trouble over the classification. We have had only one request to decrease the classification of our river basins. We have A-1 and A-2, that is to protect the water suppliers of the towns and cities; we have B for bathing; we have C for fishing; we have D for agriculture; and we have classification E, that is where industries have polluted it so that it would take quite a bit of money to bring it up to ceasing to be a nuisance, so we classified it temporarily E because it has to be brought up to where it ceases to be a nuisance. Fortunately, we do not have much of that.

We have had no trouble with our classification.

Then every month, at every meeting we have requests to raise the classification of a stream, because some city or town wants more water for its water supply. Naturally, we are always glad to comply with that, with cooperation of the Public Health Service.

We likewise oppose Federal enforcement with respect to intrastate waters in which shellfish are grown, except in cases where the Governor or State water pollution control agency specifically requests such action. The Department of Health, Education, and Welfare already has the authority to prevent the marketing of shellfish in interstate commerce when their quality is suspected. This authority should be sufficient to amply protect the health of shellfish consumers.

Our Public Health Service has condemned oyster beds in North Carolina. In fact, we have one area there of 5,000 acres which have been condemned. That is a question of economics, too.

Now, through the program last year, the accelerated program, we were able to aid that city, which is polluting those 5,000 acres, to get enough money to build its plant and in 3 months it will open. So then it is just a question of about a year or two before those 5,000 acres will be restored to the economy of the area and pollution will disappear.

So, it is one of the big problems; the biggest problem is money. Some of these towns do not have the money—municipalities.

Our biggest problems in some instances are marginal industries. No one wants to put an industry out of business. Yet, these marginal industries have a tough time. As yet we have not had to do so. We tried to play along with them; that is to say, we go the first mile, and maybe the second, and occasionally the third mile. So far we have gotten along very well on that basis.

You cannot spend half a century or a century polluting your streams and press a button and clean them up. It is a commonsense point of view I think we have to adopt. Have patience, consideration.

If you cannot get around the conference table and treat people fairly and have patience, let them do their very best. But money, that is the problem. And we would be derelict; this Congress would be derelict in its duty if it does not vote another \$100 million to help clean up the streams.

Here we are trying to push things through. Yet, you are taking the money away if you are going to increase larger grants to cities—which I am in favor of, perfectly—which means you are already going to shortchange the little fellow.

Let's face this thing realistically. Let us face it realistically; \$12 billion would clean up the streams of the Nation; here we are just appropriating \$100 million.

Finally, Mr. Chairman, there have been many references in the past to the inadequacy of State programs to cope with the growing water pollution control problem. This may be true in some instances and may have been reflected in the quality and quantity of the pollution control efforts at the State level. In our opinion, as I just said, the problem stems more from the lack of funds with which to provide adequate staffs and otherwise support the cost of administering essential program activities than from any basic lack of recognition of the necessity and importance of water pollution control. It is, accordingly, requested that the Congress give serious consideration to increasing the annual appropriation for program grants under section 5(a) of the act. We are confident this is one important area in which the Congress could help enhance the total water pollution control effort throughout the Nation.

Mr. Chairman, may I again thank you for your indulgence. We appreciate the water pollution control efforts being made by the Federal Government and we honestly believe that the Federal agencies working with the States have made tremendous strides in establishing an effective cooperative program. We further believe this program will continue to prosper, provided it continues as a truly Federal-State joint and cooperative effort. It will be our intentions to continue working with the Federal agency responsible for water pollution control to the end that our water resources may be adequately protected for the maximum possible public benefit.

May I say also, in addition, where North Carolina has been concerned since 1952, it has increased from \$5 million in our expenditures to \$36 million.

Mr. BLATNIK. Would you repeat that figure?

Senator WHITFIELD. \$5 million from 1952 to 1964 of \$36 million; from \$5 million to \$36 million.

Mr. BLATNIK. \$36 million. That is your State expenditure?

Senator WHITFIELD. It increased that much. We ran 45 in 1952 in monies spent by municipalities. In 1962, we were 14th from the top. We jumped 31 States.

Mr. CLAUSEN. Is this on a per capita basis or is this in the total dollar amount?

Senator WHITFIELD. Total dollar amount for industries and municipalities, \$5 million to \$36 million.

Mr. CLAUSEN. For a small State that is tremendous.

Senator WHITFIELD. Of course, the large States would have more than that. But little by little we have whittled it down and we have half of our streams in tiptop shape, and by 1970, we have set the goal where every stream will be in tiptop shape according to our classification.

Now, if the Federal Government wants to come to North Carolina and observe our classification or see where it is, all right; we welcome them. But one point, they must be sure to remember that if you are going to set classifications of a stream, you cannot take a map and do it. You have got to go down there with engineers and chemists and you just cannot do it overnight.

We spent 2 years on every river basin before we issued classifications for best uses. That is one of the problems you have.

So I just wanted to call that to your attention, that if you want to classify, do the job right. To do the job right, there is no hurry-up proposition; get the pollution, various types of pollution. That is only fair to the cities and to the towns.

We welcome you to come down to North Carolina and see what we are doing.

I invited you last year, Mr. Chairman. You all did not come down. We could be glad to show you what we have done and show you the polluted areas. We are not going to try to show you the best areas. But you must remember, this is a tough job, gentlemen. You cannot just press a button and do this thing. You have got to have patience.

I know it has got to be done. It has got to be done and should have been done.

Mr. BLATNIK. Senator, you stated that half of your rivers and streams have been cleaned up already.

Senator WHITFIELD. Yes, sir.

Mr. BLATNIK. Senator, would you give for the record a brief summary of your relationship with the municipalities as far as enforcement proceedings go? How have you managed to get so many of your municipalities to comply?

Senator WHITFIELD. Well, we have a yardstick for classification for grants. A town or city has to meet our yardstick. They have to have a site, they have to have a bond issue, they have to have money in hand and have the engineers and have the plans. Then according to need. Some cities are poorer than others and they come first in the grant claim. Our cities and towns are not—we have very little trouble.

Our marginal industries, once in a while we will have an industry that wants to drag its feet, of course. But we keep needling them. We needle them. We tell them we are not a punitive committee or agency, we simply are a doctor of streams and whether they like it or not, they have to take our prescription.

Mr. BLATNIK. Have you ever gone to court?

Senator WHITFIELD. We have never had a case in court.

They are always ready to clean up a stream at the courthouse door.

But fortunately, leaving all joking aside, we have never had to go to court.

One town brought us into court because we would not approve their site. They wanted to have the court to make us approve the site they selected, which we considered inadequate. But 2 days before the case was to come up, they capitulated. They said they knew they were licked and withdrew the case. That is the only time we were ever at court. They called us to court.

Mr. BLATNIK. Senator, I hope you make available the secret of your persuasiveness. You are a persuader rather than a punitive agency, obviously. I wish you would make that secret public, an open patent available to other people.

Mr. CLAUSEN. If the gentleman will yield, I believe that voice of his is enough to be a persuader.

Senator WHITFIELD. What was that, sir?

Mr. CLAUSEN. I commented I felt that voice of yours was enough of a persuader.

Senator WHITFIELD. I will tell you, we have just the spirit of cooperation. We are not bothered with the legislators.

[Laughter.]

Mr. CLAUSEN. How many years was the gentleman in the legislature in North Carolina, sir?

Senator WHITFIELD. 170—oh, how many was I? I am sorry, I thought you said how many legislators did we have.

I was 4 years in the house, 1 in the senate—1945, 1947, 1949, 1951 in the house and 1953 in the senate.

But I will tell you, I took a terrible licking to get the bill passed. I introduced it in 1947. They said I ought to go to the insane asylum—my best friends. In 1949, they beat me on the house by eight votes. In 1959 it passed, because of a change in public opinion. It passed the senate committee by one vote, passed the senate almost unanimously.

We have been very fortunate and I admit that—I guess it was some luck, but I like to say: "Put a P in front of that L"; we have been "plucky."

Mr. CLAUSEN. Mr. Chairman, I would like to direct a question to the Senator.

Mr. BLATNIK. Mr. Clausen.

Mr. CLAUSEN. You have laid great stress on the need for money and, of course, we hear this once in a while before this committee.

The preceding witness outlined the fact that he felt we could expedite the development programs if there was a favorable tax treatment given.

What I am wondering about is how much do you feel in your State and other States this favorable tax treatment would provide in the way of a motivating force and would the program be expedited satisfactorily as opposed to the appropriation process we're going through?

Senator WHITFIELD. Well, I do not know. We have a favorable tax in North Carolina? You say about the State contributing to this appropriation?

Mr. CLAUSEN. No, sir. I was making——

Senator WHITFIELD. You do not mean tax writeoff?

Mr. CLAUSEN. Yes.

Senator WHITFIELD. Oh, yes, we do have a tax writeoff. I am ashamed to say I do not know it right offhand.

Mr. CLAUSEN. Do you feel favorable tax treatment here at the Federal level, if we could implement legislation, as the chairman just recommended a moment ago that he was interested in, do you feel that this would be a great motivating force?

Senator WHITFIELD. I certainly do, if it is a motivating force in the State, I think so.

Mr. CLAUSEN. Would you say this would be a better recommendation than some regulations, as far as ultimate objective of cleaning up some of our streams?

Senator WHITFIELD. You mean classifying the stream standards?

Mr. CLAUSEN. At the Federal level.

Senator WHITFIELD. Well, I think what is going to happen is these stream standards—you are going to have trouble with that. I think you can get it done through—I think, leave it to the States.

Let me say this, I know some of the States have dragged their feet. The Federal Government feels like they must do something about it. But I think they can put them on notice—do not have any particular legislation for it now, but I think that they can practically order them, if something is not done within a reasonable time, to that extent the Federal Government will have to step in. You cannot let the States just go ahead and thumb their nose at you. Some are. You have to admit that.

Mr. CLAUSEN. You are suggesting the States themselves take more responsibility of leading the pollution cleanup program and that we at the Federal level might well——

Senator WHITFIELD. Prod them along.

Mr. CLAUSEN. Yes, and that we might be well advised to concentrate on this favorable tax treatment to assist?

Senator WHITFIELD. That—of course, it has worked with us. I do not know—it has worked with us.

The one thing I want you to do, I think we ought to do, put it that way, I think whatever organization you set up should be all together. Let us do not split it up. Whether it is in the Public Health Service

or some other independent organization, put it all together, your research and everything. Do not divide it up. You will have a two-headed Hydra. That is bad. Put it all under one.

Now, I think Mr. Blatnik's bill provides for putting it all under one department.

Of course, as I have said, we have always felt—I always felt the Congress would pass a law, if you wanted to, and tell the Public Health Service or anybody what it had to do, to put it all under there whether it wanted to or not. But I think the Congress can put it where it pleases. Give orders and instructions, what is to be done.

It has been a pleasure to be with you.

Mr. CRAMER. May I ask a question?

Senator WHITFIELD. Mr. Cramer.

Mr. CRAMER. I want to congratulate the gentleman on a very fine statement.

Incidentally, your position is very consistent with that of Dave P. Lee, from the State of Florida, whom I am sure you know.

Senator WHITFIELD. Oh, yes.

Mr. CRAMER. He has worked for years on this problem and is very dedicated to it.

I received a letter from him dated February 10, 1965, in which he indicates he did not know about the hearings early enough to be able to request to testify. But he said he would like to make the following observation on Senator Muskie's bill as well as Mr. Blatnik's:

We are opposed to creating an Administrator outside the Public Health Service, No. 1. I frankly cannot see any valid reason for the creation of another office to expedite water pollution control.

With reference to standards, I do not feel that we need any standards section in the act, nor do I feel standards should be set on a national level. As I have submitted to you and the committee in December of 1963, we have all the standards we need and can adjust them according to the situation.

I gather that substantially is in agreement with your position, is it not?

Senator WHITFIELD. Practically. But I want to say this, I think we have to be realistic, too. Why has not the Public Health Service done this sooner? That is the point. Have they not had the opportunity?

I have been to the Public Health Service. I think it ought to be under the Public Health Service.

Has anybody buttoned it down as to why? Those questions ought to be asked. Congress should be asked.

This I do say, I emphasize it should be under one department, wherever it is. We think it ought to be under the Public Health Service, and the Congress should order it done and tell them what to do.

Mr. CRAMER. As far as North Carolina is concerned, the Public Health Service has been doing a pretty good job, do you not think?

Senator WHITFIELD. Very fine. Excellent job.

Mr. CRAMER. Yes.

Now, the proposal is to reshuffle, shake up the whole operation. We passed a law in 1961. It is just getting into effect. It is having its effects, very substantial consequences, now. They want to reshuffle the department, take it out from under Public Health and put it under a political appointee, make it subject to politics instead of on the basis

of professionals, such as in the Public Health Service, and reshuffle the program.

Now, is that not going to hurt rather than help at this time?

Senator WHITFIELD. Where are you going to get your personnel? It is going to cost you money if you take some of those commissioned people; you are going to have to put in enough money to bring up their retirements and all of that. It is going to cost money.

But the point is, why do they want to take it away from the Public Health Service? Has anybody ever asked that question?

Mr. CRAMER. It is my observation that the Public Health Service is a professional group. They approach this thing from a professional standpoint. That is all the testimony we have had, practically every State that has testified has been to the effect the Public Health Service is doing an excellent job, has cooperated with us, worked together as a team. They think they are in the process of meeting this challenge. They think it should be there and it should not be under the administration of a political appointee, as Assistant Secretary, as an alternative. That is the testimony we have had from State after State after State.

Now, I am at a loss to know why the big push is coming for setting up another bureaucratic empire under an Assistant Secretary.

Senator WHITFIELD. Well, of course, that is up to the Congress. We have expressed our views on the matter, and I will just say this, wherever it is, we would be helping whoever administers it.

Mr. CRAMER. You want to get the job done. I admire the job you are doing in North Carolina. But if they are going to start now in promulgating Federal standards, you have already promulgated them in the State of North Carolina; that is not going to help your operation, it is going to hinder it, is it not? These industries are not going to have to clear through you; they will have to clear through the Federal Government.

Senator WHITFIELD. Well, that depends—I would not go that far. I think they are going to accept our classification.

Mr. CRAMER. Assuming they do——

Senator WHITFIELD. Our standards.

Mr. CRAMER. But if your standards are not equal to those that the Federal Government requests, they are not going to accept it. You are running that risk, are you not?

Senator WHITFIELD. Yes, we are running that risk. But the point is, if they do the job right, which I am sure they will, from one angle of the matter, they are bound to recognize our classifications because we have got them right.

Mr. CRAMER. You say you are going to present these standards and do the job right, you have to be on the spot. What bothers me, in other words, examining the streams and their origin, and what contributes to the pollution and what might in the future be done on a stream-by-stream basis.

Senator WHITFIELD. We took it mile by mile.

Mr. CRAMER. How in the world is the Federal Government going to do this within any reasonable period of time, doing exactly the same job the State has done, in an effort to decide in the first instance whether the State's standards per stream per area are adequate? They are going to have to go in and make a survey themselves.

Senator WHITFIELD. We do not see how they could. We think they are hunting trouble.

I think you should drop that. That is my opinion. They should drop that idea of the Federal standards.

But then, on the other hand, you must also provide, though, for those States who are dragging their feet; something has got to be done. Some of these States are dragging their feet.

Mr. CRAMER. I agree with you. Of course, last year it was suggested, as you have suggested, that the Federal Government make recommendations and let the State then consider those recommendations.

Now, this is mandatory. The Federal Government sets the standards, does not ask for recommendations or submit recommendations. It asks for standards.

Senator WHITFIELD. I am not arguing against my own position, do not misunderstand me; but suppose they recommended it, the State would not do it, so you have to have a provision somehow or other to see that the State does it. It has got to be worked out whereby the States are going to have to take action. Because water has become our most precious commodity, I repeat again. Water you cannot use is valueless.

Mr. CRAMER. I agree. We should try to defer to any State to go ahead and do the job if they have not done it. But what is disturbing to me is in those instances where they have, you still have a double effort of standards. There is that risk.

Secondly, I am at a loss to know how the Federal Government is going to approach it. Each State has to do it on a stream-by-stream basis. The Federal Government, to do it effectively, is going to have to do it about the same way, on a stream-by-stream, State-regional basis, in each instance. This is going to take years, is it not? You cannot do this overnight. And it is going to duplicate what the States have already done.

Senator WHITFIELD. In 1958, when I testified before here, I recommended or suggested we have a White House conference. The time was long past to have a White House conference on this matter. And Mr. Blatnik and Mr. Dingell asked me to work on this with them and we got the White House conference.

It seems to me you Congressmen who sit down with the President—protecting your water supplies is just as important as Vietnam. I think you should sit down and talk with him.

These things cannot be rushed through, you know. The Great Society is going to need water, more water, and it does not make any false move toward that end.

I think a committee from the Congress, both parties, should sit down with the President—Congressman Blatnik, Senator Muskie, and others. I think we ought to sit down with the President. I think it is worth a conference.

Mr. CRAMER. That is all, Mr. Chairman.

Mr. BLATNIK. Thank you very much, sir.

Senator WHITFIELD. Thank you.

Mr. BALDWIN. Mr. Chairman.

Mr. BLATNIK. Mr. Baldwin.

Mr. BALDWIN. May I make one request? Unfortunately, I have to leave in about 2 minutes for a commitment.

I received a letter from the president of the Association of the State and Interstate Water Pollution Control Administrators, Mr. Paul R. Bonderson, who is from my State of California, saying their witness, Mr. Ralph G. Pickard, is unable to be here today, and that they have provided their statement to Congressman Dorn, with the request that he be authorized to insert it in the record at the proper point.

On behalf of Mr. Bonderson, who has written to me, I would like to request that—

Mr. DORN. Would the gentleman yield?

Mr. BALDWIN (continuing). The chairman give Mr. Dorn permission at this time to do so.

Mr. DORN. Mr. Chairman, I ask unanimous consent that following the distinguished Senator from North Carolina, a statement of Mr. W. T. Linton, Head of Water Pollution Control of South Carolina, and appearing here, however, as secretary and treasurer of the Association of State and Interstate Water Pollution Control Administrators, and vice president of the Conference of State Sanitary Engineers, I would ask unanimous consent that his statement, which I have here, follow the Senator from North Carolina, representing these two organizations. He was here but had to go, Mr. Chairman, so we are saving a little time.

Mr. BLATNIK. Without objection, so ordered.

(The statement follows:)

STATEMENT OF THE ASSOCIATION OF STATE AND INTERSTATE WATER POLLUTION
CONTROL ADMINISTRATORS, BY W. T. LINTON

This statement generally reiterates the views of the association relative to Federal water pollution control legislation as essentially expressed in the attached resolutions passed at the annual meeting of the association held in Denver on December 9-10, 1964. This organization is comprised of administrative officers of the 50 States and the several interstate agencies involved in water pollution control. The comments that follow relate to each section of H.R. 3983, S. 4, and related bills with additional statements of our feelings for strengthening the program.

Section 1. The association is in accord with the purpose as expressed in subsection (a) of the bill. We urge Congress to continue to be guided by their policy of recognizing the rights and jurisdictions of the States with respect to the waters of such States as stipulated in redesignated subsections (b) and (c).

Section 2. The association has opposed the enactment of this portion of the bill and has urged that the position of the existing program be strengthened and elevated in stature within the U.S. Public Health Service administration. The reason for this opposition is based upon the knowledge and experience of the members of the association of the administrative, professional, and technical requirements of personnel to assure an effective program and, in this respect, the USPHS is the only agency having such personnel. In the event, however, this section of the bill is enacted, the association is deeply concerned over the possibility and probability of loss of effectiveness of the water pollution control effort during the transition period to a new administration which would negate to some extent those advances which have been realized over the past years. The association, therefore, points out the essentiality that, during the transition of the program, none of the effectiveness of the water pollution efforts be impaired and we urge that every effort be made to insure the retention and recruitment of persons of the same level of competency.

Section 3. Overflow from combined sewers is definitely a problem in the overall pollution abatement picture. The cost of complete separation of all the combined sewers of the country is so great that alternative methods of solving the problem certainly deserve investigation. The association is in

agreement that this section on grants for development of new methods for control of discharges from combined sanitary and storm sewers (Res. No. 5).

Under the redesignated section 7, we note that H.R. 3988 has not made provision for any increase in the Federal grants to State programs. With the stimulus provided through the program grant feature of Public Law 660, the States have increased appropriations by more than 100 percent since 1956. Realizing the rapidly expanding scope of the water pollution control field and the population-industrial explosion being experienced throughout the country, the association urges (Res. No. 6) that Congress increase the authorization for annual appropriation for grants to States and interstate agencies to assist in meeting costs of establishing and maintaining adequate measures for prevention and control of water pollution, under section 5 of the Federal Water Pollution Control Act, from \$5 million to \$15 million. This is essential for both individual health and a national interest standpoint that State and interstate agencies further strengthen and expand their water pollution control programs.

Our expression of monetary ceiling for the recommended appropriation is based upon a 1964 survey and report by the Public Administration Service, "Staffing and Budgetary Guidelines for State Water Pollution Control Agencies," copy of which is submitted for the record. This report tabulated minimum and desirable staffing needs for State water pollution control agencies. The study recommended an optimum total expenditure of \$39 million and a minimum expenditure of \$25 million.

Section 4. The construction grants program for the past few years has done more to accelerate pollution abatement throughout the country than any other single item. The limitations of the current law have not made this program particularly beneficial to the larger cities and we are in accord with a reasonable increase in the amount which can go to an individual city. We support the proposal that the maximum ceiling for multimunicipal projects be raised to \$6 million (Res. No. 2) but believe the maximum ceiling for individual projects should be raised to \$1 million. It is noted H.R. 3988 proposed \$2 million and we have no objection provided consideration be given to the wisdom of increasing the maximum ceiling without an increase in the appropriation level. A majority of the States already have a backlog of applications for Government funds. Without the increased appropriation, the number of possible eligible grants certified would be reduced, therefore, creating an even larger backlog. We propose that annual appropriations be increased from \$100 million to \$150 million annually in fiscal year 1966; \$175 million in fiscal year 1967; and \$200 million for fiscal years 1968 through 1970.

We find that many of the smaller communities are unable to finance 70 percent of the project cost but could fund 50 percent. We suggest that accelerated progress in water pollution control could be made if the percentage of Federal participation could be increased for smaller communities from 30 percent to 50 percent.

In support of our recommendations for increased construction grant funds, we would like to call the committee's attention to the 1964 report of the conference of State sanitary engineers on "Municipal Waste Treatment Needs." This report indicates that municipal needs for waste treatment exceed \$18 billion. Applications now in process of review or participation would require an estimated \$185 million of Federal grant funds under present authority and limitations.

Section 5. By resolutions passed in 1963 and 1964 (Res. No. 8), the group is in opposition to this section of the bill pertaining to the setting of stream standards by the Federal Government. It appears that this is contrary to the declaration of policy contained in section 1(b) of the act. The establishment of stream standards is a matter depending entirely upon local and regional circumstances and is therefore basically a function of State and regional agencies.

Further, the procedure for the establishment of stream standards on interstate waters, a scientific, socioeconomic endeavor, is not construed to be a part of an enforcement action. It is rather more appropriate to include this activity under redesignated section 3 which now authorizes the Secretary "—to prepare or develop comprehensive programs for eliminating or reducing the pollution of interstate waters—" and "—to make joint investigations with any such agencies of the condition of any waters in any State or States and the discharges of any sewage, industrial wastes, or substances which may adversely affect such waters."

If, after proof of damage has been established, then the problem is subject to enforcement procedures.

Sections 6, 7, and 8. The association has no comment on these sections.

The association urges (Res. No. 1), that Congress authorize grants to municipalities, counties, sanitary districts, States, and interstate agencies and other such public bodies for special studies, investigations and projects of wide interest and application to the control of water pollution. These would be projects that do not fit into the existing categories of research or demonstration grants. We propose this grant program to consist of annual appropriations of \$5 million in fiscal year 1966, \$10 million in fiscal year 1967, \$15 million in fiscal year 1968, and \$20 million in fiscal year 1969 and 1970, with such grants to be provided on a matching basis with Federal participation not to exceed 50 percent of the overall cost of such projects.

The association also urges that additional training grant funds (Res. No. 3), be appropriated by Congress for extension of the Public Health Service training assistance program to undergraduate and technical level studies. The need for trained scientific engineering and technical personnel in all levels is a critical one in the field of water pollution control.

The association further urges (Res. No. 4), that the bill include a section that would authorize the Secretary of the Department of Health, Education, and Welfare under the Federal Water Pollution Control Act to make grants to States, municipalities, private utilities, and other public agencies sponsored projects for low-flow regulation for water quality improvement purposes provided that the cost for each project shall not exceed the cost of low-flow regulation requirements determined as a part of a comprehensive water quality control plan of river basin.

The association expresses appreciation to the committee for the opportunity of submitting this statement for the record.

ASSOCIATION OF STATE AND INTERSTATE
WATER POLLUTION CONTROL ADMINISTRATORS,
Indianapolis, Ind., February 11, 1965.

HON. JOHN A. BLATNIK,
*Chairman, Subcommittee on Rivers and Harbors, Committee on Public Works,
House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN BLATNIK: I am enclosing herewith for your information a group of resolutions which the Association of State and Interstate Water Pollution Control Administrators adopted at its December 1964 meeting. I hope your committee will give serious consideration to at least some of these proposals as it considers H.R. 3988 or S. 4.

The following comments on some of these are based on my personal experience here in Indiana and my widespread contacts with other State administrators:

1. Construction grants (Res. No. 2): The construction grants program of the last few years has done more to accelerate pollution abatement throughout the country than any other single item. The limitations of the current law have not made this program particularly beneficial to the larger cities and I am in accord with a reasonable increase in the amount which can go to an individual city. However, I think an increase in the amount for any given project should be coupled with an increase in the total authorization. In my own State, we have had applications in each year of the program for from two to almost five times the amount that was available to Indiana. It is true some of these applications might not have gone to construction in a given year but we certainly could have put more under construction if additional grant funds had been available. If we increase the eligible amount for any given project to \$2 million or even to \$1 million and do not increase the appropriations beyond \$100 million we will be in serious difficulties and our municipal sewage treatment program will undoubtedly slow down. There is attached hereto a brief summarization which shows the history of the Indiana construction grant program. It includes also an estimate of the amount we could use in the next 2 fiscal years. Incidentally, we feel practically every one of the projects documented for the next 2 fiscal years can be moved into the construction stage if we have adequate grant funds.

2. Program grants (Res. No. 6): As you know the present law limits these to \$5 million per year and the authorization expires on June 30, 1968. I hope you will agree the State people are the frontline troops in the antipollution campaign. Practically all States are badly understaffed. While funding is primarily a State problem, we must admit the Federal grant provides a powerful incentive. I

suggest you give serious consideration to an increase in the authorization and to extension of the present program grant beyond 1968.

3. Grants for development of new methods for control of discharges from combined sewer systems (Res. No. 5) : Overflows from combined sewers are definitely a problem in the overall pollution abatement picture. The cost of complete separation of all of the combined sewers of the country is so great, alternative methods of solving the problem certainly deserve investigation. There seems to be little controversy over this section of the bill and I hope it is enacted into law.

4. Low flow augmentation (Res. No. 4) : There are many State, municipal, or other public agency sponsored reservoirs being constructed throughout the country for a single purpose. In addition to these some of the reservoirs being constructed under Public Law 566 have definite low flow augmentation possibilities. Once a dam is built it is next to impossible to get it raised. If we do not provide for low flow augmentation in the initial construction it will probably never become available. I suggest authorization for at least modest annual appropriations for this purpose. Obviously low flow augmentation should not be considered a substitute for complete treatment of sewage nor should the grant exceed the cost of the low flow regulation requirements as determined as a part of a comprehensive water pollution control plan.

5. Training grants (Res. No. 3) : The present output of engineers, chemists, biologists, and other scientific personnel is not sufficient to meet the needs of the new Federal research centers and expansion in Federal and State activities. The present training program of the Public Health Service is limited to short courses and graduate training. The latter are the only ones who are eligible for a stipend. In addition to needing people who are trained at the graduate level we need a lot of "Indians." I would like to see consideration given to undergraduate stipends and to the establishment of some technician training schools. The law should provide for these programs on a continuing basis. All of this could be accommodated with \$2 or \$3 million per year.

6. Grants for special projects (Res. No. 1) : The development of answers to many special problems entails unusually high costs because of the experimental nature of the research, development, and engineering involved. There are numerous areas that command attention which are beyond the scope of the present research activities of the Public Health Service. A modest amount of money each year which could be put into special projects on a 50-50 basis should provide dividends in the long run.

I had hoped to get down to Washington some time in January of this year. Had I been able to do this I had planned to solicit an appointment with you hoping we could talk these things over in some detail. Since that has been impossible. I thought it advisable for me to use this method of placing them before you.

Sincerely yours,

BLUCHER A. POOLE,

Past President and Technical Secretary, Indiana Stream Pollution Control Board.

RESOLUTION NO. 1—GRANTS FOR SPECIAL PROJECTS

Whereas the construction of engineering works for water supply and pollution control requires preliminary research and engineering studies to insure not only efficient operation, but economical design and construction ; and

Whereas such projects are frequently very costly and are usually only undertaken by public bodies confronted with the need to find a solution to a local problem under the jurisdiction of the public body ; and

Whereas the development of solutions to special problems can be expected to entail unusually high costs because of the experimental nature of the research, development, and engineering involved ; and

Whereas it is in the highest public interest that the Federal Government assist municipalities, counties, sanitary districts, States, and interstate agencies, and other public bodies in developing works that would solve such special problems : Now, therefore, be it

Resolved, That the Association of State and Interstate Water Pollution Control Administrators does hereby recommend that Congress authorize grants to municipalities, counties, sanitary districts, State and interstate agencies, and other public bodies for special studies, investigations, and projects of wide interest and application to the control of water pollution ; be it further

Resolved, That this grant program consist of annual appropriations of \$5 million in fiscal year 1966, \$10 million in fiscal year 1967, \$15 million in fiscal year 1968, and \$20 million in fiscal year 1969 and 1970, with such grants to be provided on a matching basis with Federal participation not to exceed 50 percent of the overall costs of such projects; be it further

Resolved, That appropriations be approved by the appropriate State agency.
Passed.

RESOLUTION No. 2—CONSTRUCTION GRANTS

Whereas the sewage treatment construction grants program under section 6 of the Federal Water Pollution Control Act has been very successful in stimulating the construction of needed sewage treatment works; and

Whereas a large backlog of unmet needs remains which should be satisfied as soon as possible; and

Whereas the larger sums of money available under the accelerated public works and water pollution control programs demonstrated that municipalities would respond to this incentive: Now, therefore, be it

Resolved, That the Association of State and Interstate Water Pollution Control Administrators endorse and support an amendment to the Federal Water Pollution Control Act to:

A. Continue in effect the present construction grant program.

B. Authorize an increase in annual appropriations from \$100 million annually to \$150 million in fiscal year 1966, \$175 million in fiscal year 1967, and \$200 million for fiscal years 1968 through 1970.

C. Increase the maximum grant ceiling for individual projects from \$600,000 to \$1 million.

D. Increase the maximum grant ceiling for multimunicipal projects from \$2.4 to \$6 million.

E. Increase the percentage of Federal participation in a project.

Passed.

RESOLUTION No. 3—TRAINING GRANTS

Whereas the need for trained scientific engineering and technical personnel in all levels is a critical one in the field of water pollution control; and

Whereas the Public Health Service under the Federal Water Pollution Control Act has administered a program of training grants to educational institutions to establish or expand grant level training programs in pollution control; and

Whereas the effectiveness of this program in stimulating graduate training and numbers of trained personnel has been demonstrated; and

Whereas there is still a critical need to increase training at the undergraduate and technician levels: Now, therefore, be it

Resolved, That the Association of State and Interstate Water Pollution Control Administrators recommends that the Public Health Service extend its training assistance to undergraduate and technical level studies, and that additional training grant funds be provided for this purpose.

Passed.

RESOLUTION No. 4—STREAMFLOW AUGMENTATION

Whereas it is widely recognized that streamflow regulation for water quality control will be necessary to supplement adequate waste treatment in protecting water quality in many of the Nation's rivers; and

Whereas it has been suggested that every impoundment site be examined for its potential for a contribution to the maintenance of streamflows which are necessary to maintain water quality; and

Whereas the Federal Water Pollution Control Act provides for the storage of water for streamflow regulation for water quality control; and

Whereas it is generally acknowledged that the Federal Government plans and builds only a small part of total water impoundments in this country; and

Whereas facilities constructed by private and public utilities and others are usually constructed with limited funds to serve limited purposes, and this usually precludes multipurpose development; and

Whereas the obtaining of storage space in known Federal reservoirs by the Federal Government is not a new concept, as the Corps of Engineers is authorized under existing law to make contributions to known Federal projects for storage for flood control, and there are many examples of local-Federal cooperation of storage for flood control: Now, therefore, be it

Resolved, That the Association of State and Interstate Water Pollution Control Administrators recommends that Congress enact legislation that would authorize the Secretary, Department of Health, Education, and Welfare, under the Federal Water Pollution Control Act to make grants to States, municipalities, private utilities, and other public agency sponsored researchers for low-flow regulation for water quality improvement purposes.

Further, This association does hereby memorialize the Congress that cost for each project shall not exceed the cost of low-flow regulation requirements determined as a part of a comprehensive water quality control plan of a river basin.

Passed.

RESOLUTION NO. 5—GRANTS FOR DEVELOPMENT OF NEW METHODS FOR CONTROL OF DISCHARGES FROM COMBINED SEWER SYSTEMS

Whereas approximately 60 million people in some 2,000 communities throughout the Nation are served by combined sewers and combinations of combined and separate sewer systems; and

Whereas storm water and combined sewer overflows are responsible for significant amounts of polluting material in the Nation's receiving waters and represent one of the most difficult pollution problems confronting our urban areas today; and

Whereas major expenditures will be required to develop and demonstrate effective means of providing for separation of sewers or otherwise controlling such pollution; and

Whereas a program for the acquisition of actual design, construction, and performance data would represent an effective means of initially attacking this problem as well as providing information for future solution on a national basis: Now, therefore, be it

Resolved, That the Association of State and Interstate Water Pollution Control Administrators supports a program for Federal demonstration grants for the development of new and improved methods for controlling the discharge of sewage and storm water combined sewer systems: Be it further

Resolved, That this grant program consist of annual appropriations of at least \$20 million starting in fiscal year 1966 and continuing through fiscal year 1970. Such grants should be provided to municipalities, special districts, and other public bodies on a matching basis with Federal participation limited to 50 percent and no grant shall exceed 5 percent of the amount of funds authorized in any 1 fiscal year.

Passed.

RESOLUTION NO. 6—PROGRAM GRANTS

Whereas Section 5(a) of the Federal Water Pollution Control Act authorizes the annual appropriation of \$5 million to June 30, 1968, for grants to States and interstate agencies to assist in meeting costs of establishing and maintaining adequate measures for prevention and control of water pollution; and

Whereas it is the intent of the legislation that the Federal Government through such grants share the State and interstate water pollution control program expenses on an approximately 50-percent basis overall; and

Whereas under the \$5 million limitation now provided for in the act the Federal contribution to State and interstate water pollution control program expenses amount to less than a third contribution overall; and

Whereas \$5 million in Federal funds appropriated in 1964 for water pollution control program grants under the authorization and limitations of section 5 of the act was not sufficient to meet the States entitlements and appropriated matching funds for such grants; and

Whereas it is essential both from an individual health and a national interest standpoint that State and interstate agencies strengthen and expand their water pollution control programs: Now, therefore, be it

Resolved, That the Association of State and Interstate Water Pollution Control Administrators does hereby recommend that the Congress increase the

authorization for annual appropriations for grants to States and interstate agencies to assist in meeting costs of establishing and maintaining adequate measures for prevention and control of water pollution under section 5(a) of the Federal Water Pollution Control Act from \$5 million to \$15 million.

Passed.

RESOLUTION No. 8—FEDERAL WATER POLLUTION CONTROL

Whereas the 88th Congress considered major amendments to the existing Federal Water Pollution Control Act, said amendments generally referred to as S. 649; and

Whereas the 1964 meeting of the State and Interstate Water Pollution Control Administrators has taken cognizance of this proposed legislation: Now, therefore, be it

Resolved, That the State and Interstate Water Pollution Control Administrators reaffirm its basic position that—

1. There is no need in Federal law for additional provisions relating to standards for water quality.

2. Discharges of sewage and other wastes from Federal installations should be required to meet the same standards and requirements as similar discharges from municipal or private sources.

3. The existing program should be held together and elevated in stature within the U.S. Public Health Service administration.

Passed.

Mr. CRAMER. Mr. Chairman.

Mr. BLATNIK. Mr. Cramer.

Mr. CRAMER. Mr. Dorn, do I understand—I read from section 5(a) (4), resolutions passed 1963 and 1964, the group is in opposition to this section of the bill pertaining to the setting of stream standards by the Federal Government.

Is that your understanding?

Mr. DORN. That is my understanding.

Mr. BLATNIK. The next witness, Mr. William E. Towell, a member of the President's Water Pollution Control Advisory Board.

Mr. Towell, we welcome you. We appreciate your patience in standing by all day long.

STATEMENT OF WILLIAM E. TOWELL, A MEMBER OF THE PRESIDENT'S WATER POLLUTION CONTROL ADVISORY BOARD

Mr. TOWELL. Thank you, Mr. Chairman and members of the committee.

I am William E. Towell, director of conservation for the State of Missouri. I do today, however, represent the President's Water Pollution Control Advisory Board.

I consider it an honor to be invited to testify before this distinguished committee on a conservation issue as vital to the Nation as water pollution control. As I have said on many previous occasions, including testimony to this very committee only a year ago, water pollution is the greatest conservation problem in America today.

As a conservation administrator, as a member of the Federal Water Pollution Control Advisory Board, as an officer of the International Association of Fish, Game, and Conservation Commissioners and as a citizen, I urge you to take action to strengthen our Federal water pollution control effort by favorably reporting H.R. 3988, S. 4, or a compromise version of the two bills without delay. It was a considerable disappointment to conservationists throughout the Nation that

the Federal Water Pollution Control Act was not amended by the 88th Congress. We now join with our great President in assigning this task highest priority for enactment in 1965.

The most important provisions in both the Senate and House bills are those which create a Federal Water Pollution Control Administration. This elevated administrative status is badly needed and long overdue. Water pollution control seemingly cannot attain the position of importance it deserves in the Public Health Service. It represents much more than just another environmental health problem. Clean water is vital to industry, to agriculture, for recreation, for fish and wildlife, as well as for municipal water supply and sanitation. It has not received in the Public Health Service the attention it must have to accomplish satisfactory abatement of interstate pollution. The designation of an Assistant Secretary of Health, Education, and Welfare with primary responsibility for water pollution control programs, together with a Federal Water Pollution Control Administration, will establish this governmental activity at a level commensurate with its importance in the resource management field.

The Federal Water Pollution Control Advisory Board is charged by law with responsibility to—

advise, consult with, and make recommendations to the Secretary on matters of policy relating to his activities and functions under this Act.

On three separate occasions—meeting at St. Louis in September 1962; Honolulu in June 1963; and Chicago in November 1964—this Board has recommended creation of this Administration. The Board over the years has been composed of many prominent individuals, from business and Government, including the legal profession, doctors, scientists and administrators. With the responsibility for recommending policy changes to intensify and improve the operation of the Federal water pollution control program and on several different occasions and with different membership, the Board has favored a new Water Pollution Control Administration. Any differences that have existed between the Board members has not been whether this new Administration is needed but how it should be created. Apparently, it is not going to be done by administrative order of the Secretary; therefore, I urge it be done by legislative action.

One provision of H.R. 3988, in my opinion, is far superior to that of S. 4 as passed by the Senate. Section (2) of the House bill would transfer all activities of the Pollution Control Act to the new Administration while the Senate version would transfer only law enforcement, comprehensive programs, interstate cooperation, water quality standards, control of pollution from Federal installations, and such other provisions of the act as the Secretary might prescribe. This could result in serious fragmentation of the total water pollution control effort and result in lack of program coordination. I feel that the entire program should go to the new Administration by legislative action rather than leaving the Secretary in the impossible position of deciding between agencies within the Department and perhaps allowing the whole pollution program to suffer through division.

At our Chicago Board meeting last fall we were told how construction grants had stimulated local activity in construction of sewage treatment facilities. In the 8-year history of the grants program local expenditures for sewage treatment have exceeded Federal dollars by

4 to 1. Lacking in present authorizations is sufficient incentive for the larger treatment installations or joint projects in multimunicipal complexes. Both the House and Senate bills increase Federal grants for larger single municipal as well as joint projects, although the House figures are considerably higher. Either is a step in the right direction, but the House bill provisions appear more favorable.

Mr. Chairman, at this point may I add to my remarks that the Water Pollution Board, at its last meeting in Chicago, adopted two resolutions, one which would increase the individual and multiple grants, recommending the increase of individual and multiple grants, recommending increase of recommendations from \$100 million to \$200 million.

Other sections of both bills should strengthen the Federal Water Pollution Act even further. There is definite need for research into the problem of combined storm and sanitary sewers. Flash floods frequently carry heavy pollution loads into streams and coastal areas without treatment. Research into costs and methods of separating sewage and storm sewers is overdue. It should be authorized.

Being from Missouri, I am not personally familiar with coastal pollution problems, but I am concerned about the reported concentrations of pesticides and organic pollutants that are making our marine food resources unsafe for human consumption. I agree with the thinking in both bills that such contamination does constitute interstate pollution and should be dealt with accordingly.

The most controversial provision of this legislation, both Senate and House versions, is that dealing with standards of quality for interstate waters. No one can deny the necessity of having some standards of measurement for water quality. We cannot make progress in interstate pollution abatement unless we have some criteria to measure this progress. This legislation would authorize the Secretary to encourage the development of quality standards and to set such standards in the absence of satisfactory standards set by State or interstate agencies. If the States alone cannot or will not assume this responsibility, then there certainly is justification for Federal action.

I would hope that the Federal Water Pollution Control Act could be amended to include these provisions, but if they stand in the way of successful passage of other needed amendments, perhaps some compromise could be made here. Actually, existing enforcement authority which the Secretary now has for dealing with interstate pollution already provides for some measure of Federal water quality standards.

As is clearly evident, Mr. Chairman, I am an ardent proponent of this legislation. Conservationists across the Nation join me in urging your committee to report this bill out favorably.

It is a privilege also to present the views here of the Federal Water Pollution Control Advisory Board, and I shall be happy to answer any questions that members of the committee might have.

Mr. BLATNIK. Mr. Trowell, this is not only a concise, but a very pertinent and most helpful statement that you made on behalf of this legislation. The Chair particularly is indebted and grateful to you and to the members of your Board.

Mr. TOWELL. Thank you, Mr. Chairman.

Mr. BLATNIK. I thank you for your contribution.

Any questions?

Mr. DORN. No, Mr. Chairman.

Mr. BLATNIK. Thank you very much.

We have a panel of conservation leaders, many, if not perhaps all of them, very well known to most of the members of the committee.

Mr. Clapper, are you appearing each individually or as a panel?

Mr. CLAPPER. We have the whole group here, sir. If you would like to have us come individually or as a group on different portions of the proposal, this would be suitable, too, sir.

Mr. BLATNIK. Whatever your wishes are.

Mr. CLAPPER. We can all six sit up here then if it is all right.

Mr. BLATNIK. Do you want to move your chairs up closer to the microphone?

Mr. Louis Clapper, National Wildlife Federation; Mr. C. R. Guter-muth, vice president, Wildlife Management Institute; Mr. Robert Dennis, Izaak Walton League of America; Dr. Spencer M. Smith, secretary, Citizens Committee on Natural Resources; Mr. Richard Stroud, executive vice president, Sport Fishing Institute; and our old friend, Mr. Charles Callison, assistant to the president of the National Audu-bon Society.

Gentlemen, we welcome you. The Chair want to say we appreciate your patience for waiting to be with us so late in the afternoon and the special efforts some of you made to be with us here to testify on behalf of legislation of particular concern to your respective organizations.

STATEMENT OF LOUIS CLAPPER, NATIONAL WILDLIFE FEDERATION

Mr. CLAPPER. I have a few brief opening remarks, Mr. Blatnik, then the other gentlemen would like to comment about their specific interests.

Mr. BLATNIK. Mr. Louis Clapper, will you please proceed.

Mr. CLAPPER. Thank you, sir.

Those of us who represent many of the leading conservation organizations in the Nation welcome the opportunity of appearing here today for the purpose of endorsing the objectives of H.R. 3988 and other proposals establishing the Water Quality Act of 1965.

First, however, we want to express our gratitude to Mr. Blatnik, Mr. Fallon, Mr. Dingell and the other authors of the Water Quality Act on developing language which we are certain will improve—and strengthen—the Federal Water Pollution Control Act. Our organizations hailed the establishment of this act in 1956 as a conservation landmark. It became an even more effective tool when strengthened by amendments in 1961, and we are sure the Water Quality Act will make contributions equally as important. Great credit certainly is due this committee for exerting leadership and foresight in the water pollution control field.

Second, our organizations have fought long and hard for many years and it is tremendously heartening and encouraging for us to see water pollution abatement given important support by the President and his executive agencies, as well as by the Congress. We believe this is a true reflection of an increased awareness and determination by a majority of the members of the American public that they want this disgraceful situation cleaned up.

Mr. Chairman, our organizations are in accord with respect to specifics in this bill and I might add here that another important organization, the Wilderness Society, asks permission to be associated with our remarks. We are in agreement with section 1, which sets out policy of the act. We concur with the section of H.R. 3988 which transfers the whole Federal water pollution control program to a new administration. We believe the demonstration grants for the separation of storm and sanitary sewers are justified. We favor increasing the individual and joint project grants and raising the construction grants ceiling. We recommend establishment of Federal standards of water quality and extension of Federal jurisdiction into situations when pollution adversely affects the marketing of shellfish in interstate commerce.

We have filed individual statements for the purpose of completing the record. Others of our group wish to comment in some detail about specific portions of the bill. Mr. Gutermuth has a particular interest in upgrading status of the program.

Mr. BLATNIK. Your statement will appear in its entirety, as well as succeeding statements of all of the witnesses here.

(The prepared statements follow:)

STATEMENT OF LOUIS S. CLAPPER ON BEHALF OF THE NATIONAL WILDLIFE
FEDERATION

I am Louis S. Clapper, chief of conservation education for the National Wildlife Federation. The National Wildlife Federation is a private conservation organization which seeks to attain conservation goals through educational means. Our organization has affiliates in 49 States and these groups, in turn, are made up of individuals who, when combined with associate members and other supporters of the National Wildlife Federation, number an estimated 2 million persons.

Mr. Chairman, I welcome the invitation and opportunity to appear before the committee today for the purpose of expressing our support of the principles expressed in H.R. 3988, Senate-passed S. 4, and other similar proposals designed to strengthen the Federal Water Pollution Control Act. We are of the firm opinion that these amendments will make a real contribution toward attacking the problem of contamination of our valuable waters by wastes of various sorts.

Ever since its inception 29 years ago, the National Wildlife Federation has made the prevention and abatement of water pollution a major objective. This year, for the second time, water pollution control is the theme of National Wildlife Week—to be observed during the period of March 14–20. The honorary national chairman, Mr. Walt Disney, has produced a film short which we are sending to all U.S. television stations. Thousands of kits are being distributed to schoolchildren and others who are participating in the observance. Last year, the readers of our magazine, *National Wildlife*, which now goes to 165,000 associate members, overwhelmingly listed water pollution as the principal natural resources problem in the country.

These facts are mentioned for the purpose of highlighting the gravity with which our organization views water pollution. Many other groups similarly are contributing major efforts toward attacking the problem.

We know that polluted water holds little attraction for hunters or fishermen or swimmers or waterskiers or boaters, or even hikers or picnickers. And, these factors do not take into account the problem of health or of damages to property values and facilities which are involved in water pollution control.

For these reasons, Mr. Chairman, we have been tremendously encouraged and heartened by the strong references to water pollution control in the state of the Union and natural beauty messages of the President. Needless to say, we hope this committee, the House, and the Congress see fit to cooperate by enacting a strong bill.

Evidence of this need is detailed in a survey of the Conference of State Sanitary Engineers. This group reported that, as of January 1, 1964, there were

5,672 communities serving 35,800,000 persons which had no or inadequate sewage treatment facilities. While this is a slight reduction from the number of communities from the previous year, there was no decrease in the number of improperly served people. In short, we are barely holding our own on controlling municipal pollution. To the best of our knowledge, nobody knows the full extent of pollution from industrial sources but it likely is at least as great as the municipal waste problem.

Now, commenting about specifics in the bill, we are in accord with section 1 which sets out the policy of the Federal Water Pollution Control Act as one of enhancing the quality of water and preventing and controlling pollution.

The National Wildlife Federation strongly urges the establishment of a new Water Pollution Control Administration. It is our conviction that the present program should be held together intact, and transferred as a whole to the new Administration, as provided for in H.R. 3988. It also is our opinion that this is necessary if the program is given the emphasis and direction it merits. We were pleased to hear that, in November, the Presidentially appointed Water Pollution Advisory Board had reiterated a previous stand favoring an Administration.

The separation of storm and sanitary sewers is highly desirable, of course, but this is a problem posing great technical difficulties and expense. Demonstration grants, as proposed in both H.R. 3988 and S. 4, are well justified.

Our organization favors increasing individual and joint project grants. The National Wildlife Federation, however, is hopeful that the Congress soon may see fit to increase the total construction grants ceiling. The backlog of construction is estimated at \$1.9 billion and this figure does not consider demands from population growth or obsolescence. Therefore, it is necessary to spend \$700 million annually for the next 6 years to work off the backlog and meet demands. Obviously, increased construction grants are needed, probably to a level of \$200 million.

The National Wildlife Federation favors the establishment of Federal standards of water quality, as proposed in section 5. We strongly recommend that the committee stress its expectation that Federal standards will be used as a vehicle to upgrade water quality, with the ultimate goal of preventing water pollution. Standards must not become a means to legalize pollution. We do not expect a single set of standards or criteria to be applicable nationwide. We recognize a need for watershed-by-watershed evaluation, with the key objective as water quality improvement or enhancement. Standards should be upgraded continually as new techniques for water pollution control are discovered and applied.

The National Wildlife Federation supports vigorous, uniform, and impartial enforcement of strong water pollution control laws. When the States cannot, or will not, perform this function it then should become a necessary function of the Federal Government. Therefore, we favor the extension of Federal jurisdiction for enforcement into situations when the Secretary finds that substantial economic injury is resulting from an inability to market shellfish or shellfish products in interstate commerce as a result of the pollution of interstate or navigable waters.

We view the provision for furnishing subpoena powers in enforcement matters particularly meaningful. It verges on the incomprehensible when the State agencies, as they have too often admitted, are unable to provide, or even obtain, data from either communities or industries in regard to their waste disposal practices. This failure to require information basically necessary for remedying existing pollution and preventing new pollution should not be tolerated. We fully believe the Federal Government will utilize this new enforcement tool in a judiciously wise and fair manner.

In closing, it may be well to mention two additional points. Two sections from the water pollution bill of the 88th Congress have been deleted. These apply to detergents and to water pollution which results from Federal installations. We recommend that the committee maintain a continuing interest in these situation, possibly holding hearings at a later time to determine the need for additional controls.

Thank you for the opportunity of making these observations.

Mr. BLATNIK. Mr. Gutermuth, vice president of Wildlife Management Institute.

You have a statement. Do you wish to make an oral presentation, Mr. Gutermuth? Whatever you wish.

**STATEMENT OF C. R. GUTERMUTH, VICE PRESIDENT, WILDLIFE
MANAGEMENT INSTITUTE**

Mr. GUTERMUTH. Mr. Chairman, I have presented my statement here, and if it may be recorded as given, I would merely like to comment on a couple of portions of this prepared statement.

In the first place, I and many of the others have appeared here for a long time advocating that we get this water pollution control program up out of the seventh subbasement of HEW, and we think it is high time now that this thing actually be done.

I was pleased to see the statement by the Assistant Secretary of HEW this morning, where he says that if this legislation is enacted to establish a water pollution control program, that the Secretary plans to transfer all of the function encompassed under the Water Pollution Control Act except such limited functions as may be retained by the Secretary.

Now, this, Mr. Chairman and members of the committee, is where I came in. The Congress gave the Secretary of HEW authority to upgrade this program, and it is still today, a couple of years later, still where it was.

I have listened to a lot of discussion.

Mr. BLATNIK. May I at this point, Mr. Gutermuth, say I recall on at least one or perhaps two occasions that the gentleman has gone as high as the Secretary of HEW himself.

Mr. GUTERMUTH. That is right.

Mr. BLATNIK. With long, detailed, and earnest discussions, urging, persuading, and there were times when he was halfway promised administrative actions would be taken, and no action has been taken at all.

You have repeatedly—I know we have in the House, those of our colleagues interested in this legislation—gone after the officials of the Public Health Service, with no results whatsoever. And as you state so correctly, the water pollution control program is still down in the basement, as you call it—right where it was back in 1955 and 1956 when we started.

I think your point about the Public Health Service—and I say this with complete respect for the splendid work they are doing in the field of public health, but they have remained public health oriented. With the rapid increase in technology, new chemical compounds, synthetic products, plastics, textiles, synthetic fibers, there has simply been a fabulous advance in chemistry, in the petrochemical field, in all aspects of chemistry for the last 15 years. I cannot help but point to the fact that since 1912, when the Public Health Service was first directed to be concerned with health, between then and 1956, our national water problems have been getting worse and worse and worse. If we had been permitted to continue, in 1955, 1956, and on, we would have been in even worse shape than we are today. The effort and foresight of public spirited leaders, such as you men here, the League of Women Voters and other organizations, that have given us the support, made it possible for the Federal Government to participate for the first time in history on a larger and broader scale in its joint efforts with States and municipalities to tackle this problem, today a major national problem. I am in complete agreement with you on the failure of the Public

Health Service to adequately cope with this national problem which is now ours.

Mr. GUTERMUTH. As you stated, Mr. Chairman, a group of us called on the former Secretary of HEW, Senator Ribicoff. While we got a very favorable reception, and while he had authority to upgrade this program, it was done partially, but the basic job is still ahead. And now I notice, when the distinguished former Secretary is over in the Senate now, he is all for what we wanted to get done and he has been a strong advocate of it. But unfortunately, when he sat in the saddle over here, why did it not happen.

Now, we believe, and I was pleased to see in the statement of the Assistant Secretary this morning, that they are talking about finding ways and means of taking care of these present employees, these people who have done a splendid job down in this seventh subbasement with the equipment that they had to do the job with. But unfortunately, the trouble does not lie there; the trouble lies up above.

The Public Health Service, as we have brought out in statements time and time again, is public-health oriented. There is where the responsibility and its interests lie. And I could go on at great length with things like the Taft Center in Cincinnati, which we helped get for the uplifting of this whole water pollution control program, and the medicos, as I call them, have taken over there again. The water pollution control, instead of being down in the seventh subbasement, is on the top story of it, where you have to even carry water on up there in order to carry on the experimentation they want.

So much for that.

I am pleased, however, that they are giving thought to keeping these people, because they have experience; they have knowledge; they have done an excellent job with the limitations that were imposed upon them. So, so much for that.

Now, I would like to comment on one other thing here, on this matter of money.

Section 4 in H.R. 3988, as Mr. Quigley brought out, increases the grants ceiling for individual and combined waste-treatment projects more than in the Senate bill. But he called attention to the fact, and I am sure the committee is aware, that this is only going to take care of the job up to a point.

If we are going to get this job moving ahead as it should be, then the appropriation ceiling should be increased to \$200 million, as is provided, or has been called for in many places.

In conclusion, from my standpoint, Mr. Chairman, I have here a single-page, double-spaced release by the distinguished Governor. I guess you pronounce it Rolvaag, of Minnesota, where he calls attention to water conservation as the State's critical need. "Water conservation," he says, "is the State's most critical natural resource problem." He goes ahead and says:

We need, more than anything else, a reevaluation of the objectives and methods of water conservation as they are related to other fields of government activity.

This is an excellent statement emphasizing the importance of water resources, and I would like to see it entered in the record, Mr. Chairman.

Mr. BLATNIK. Without objection, so ordered.

(Statement and letter of Governor Rolvaag and statement of C. R. Gutermuth follow:)

GOVERNOR ROLVAAG TELLS CHISHOLM SPORTSMEN WATER CONSERVATION IS STATE'S
CRITICAL NEED

Gov. Karl F. Rolvaag, speaking tonight at the 47th annual banquet of the Chisholm Sportsmen's Club, said water conservation is the State's most critical natural resource problem.

"It is not only a conservation problem, but an economic problem of far greater importance than many others which are receiving widespread public attention at this time," he said.

"We must inaugurate a water conservation program, statewide in scope—a program that will embrace every farm, every community, and metropolitan area. We can no longer condone water waste in the air conditioning of our office buildings, nor water pollution in our lakes, rivers, and streams," he said.

Rolvaag said that a blueprint to implement such a program already exists in the form of the Hydrologic Atlas, a plan prepared by the State department of conservation.

"It shows the broad outline and facets of the program needed, the direction it must take, and the scope of the undertaking. The Atlas represents a comprehensive battle plan to conserve our precious waters," he said, "and we had better get the operation underway."

Rolvaag said that a combination of general apathy, lack of coordination, and money have served as the prime deterrents to launching the program.

"We need consolidation of some, and closer coordination among all of the more than 40-odd water conservation agencies at work in our State," he said. "We need, more than anything else, a reevaluation of the objectives and methods of water conservation as they are related to other fields of government activity."

"I am pleased at the sacrifices our people are prepared to make to develop programs in education, highways, and public welfare, but it is disappointing to know that we spend only 4 cents of our tax dollar for critical programs in conservation, while we spend 39 cents for education, 27 cents for highways, 18 cents for welfare, and 12 cents for the other services of State government."

"I certainly do not wish to detract from the importance of the latter programs," Rolvaag said, "we need them all badly. But we must act now to properly endow a program to protect our most precious natural resource, the waters of our State."

STATE OF MINNESOTA EXECUTIVE OFFICE,
St. Paul, Minn., March 1, 1965.

Congressman GEORGE H. FALLON,
Chairman, House Committee on Public Works,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN FALLON: I strongly support H.R. 3988 relating to the strengthening of the Federal water pollution control program. Minnesota is moving forward rapidly in water pollution control and the Federal Government has a vital role to play as well.

I hope that your committee will give prompt and favorable consideration to this important legislation.

Very truly yours,

KARL F. ROLVAAG, Governor.

STATEMENT OF C. R. GUTERMUTH

Mr. Chairman, I am C. R. Gutermuth, vice president of the Wildlife Management Institute, with headquarters in Washington, D.C. The institute is one of the older national conservation organizations—its program has been devoted to the restoration and improved management of natural resources in the public interest for more than 50 years.

Conservationists wholeheartedly support the objectives of H.R. 3988, H.R. 4627, S. 4, and similar bills. These proposals would amend the Federal Water Pollution Control Act so as to give the program authorized by the act a truer direction and an enlarged role in serving the public interest. It is unfortunate that some of these strengthening and desirable changes were not made years

go. Most of them have been suggested before, and they are being considered again because operating experience shows them to be necessary.

Water is one of the most important of our natural resources, and the entire fabric of our society is dependent on it. Protection of the quality of this fixed-supply resource is a responsibility that none of us, individually or together, can long ignore without harmful consequences.

National demand for a more effective and efficient pollution abatement program to discharge this responsibility is well founded, Mr. Chairman. The record shows that we are not making sufficient progress in treating the wastes that we know how to handle, in vigorously applying enforcement powers, and in developing techniques to counteract the huge volume of organic and inorganic waste materials that get into water courses.

The magnitude and the severity of water pollution and its present and probable future influence on our American way of life are well documented. The records of this committee, and of other House and Senate committees, contain comprehensive analyses of national water needs for all purposes. They also show opportunities for making a relatively fixed supply of water meet the projected demands of future generations. On one important point there is a unanimous conclusion; that is, future municipal, industrial, agricultural, and associated demands for water will require a recycling of available supplies in most watersheds. The acute need for clean water needs little further illustration. Action and accomplishment, not more conversation, are needed now.

The municipality, the industry, the agricultural complex, and the Government installation no longer can be permitted to discharge or to cause to be discharged untreated or casually treated wastes and other pollutants into our Nation's waters. We do not have the water to squander and society lacks the financial resources to offset the greatly multiplied costs that such continued negligence would entail. "Let the water user beware" is fully as harmful and indefensible a philosophy today as was the outrageous and indifferent "Let the buyer beware" attitude that Congress rejected years ago when it first moved to protect consumers.

All these things have been said before and in greater detail, Mr. Chairman. What really confronts us today is the remedy that should be prescribed—the kind of a program that is broad enough, realistic enough, and prompt enough to stimulate appropriate action on all levels.

Conservationists support and endorse the recommendations of both the House and Senate bills that the proposed act should spell out a national policy for water pollution control. The policy must leave no doubt that cleansing polluted waters and preventing wastes from reaching streams and other waters is a goal of the highest priority. National acceptance and adherence to that policy is imperative. Too often streams and lakes have been and are being regarded merely as convenient brooms that sweep pollution from the door of the industry, the municipality, the installation, or individual responsible for it.

The suggested policy has not been accepted by the U.S. Public Health Service, the current administrator of the Federal water pollution control program in the Department of Health, Education, and Welfare, or by most of the national trade, industrial, municipal, and similar organizations. It is not a policy view, in fact, that has been even remotely accepted by agencies of Government.

Many Federal installations and agencies are guilty of contributing to the gross contamination of our Nation's waters. Others apparently fail to understand the magnitude and the true nature of the water pollution problem.

The Corps of Engineers plan for the Potomac River Basin, for example, recommends a high dam near Washington to impound water so that sewage can be flushed away from the Nation's Capital. This is not a positive plan to eliminate pollution, it is a mechanical action that transfers the problem to some other section of the river. It is time for Congress to approve a new national policy that will guide the Nation in taking a positive position toward pollution abatement.

If the Federal program is to be anywhere near as productive and beneficial as it should be, conservationists believe that upgrading and strengthening the program is of paramount importance. The program must have improved administrative stature as is contemplated by the creation of a Water Pollution Control Administration in the Health, Education, and Welfare Department.

Conservationists do not believe that the Federal water pollution control program has been pressed vigorously enough under the administration of the Public Health Service, which is primarily interested in medical matters. In statements and resolutions extending over the past several years, conservationists have

deplored the inability of the Public Health Service to move promptly and firmly in combating water pollution. Enforcement has been slow, timid, or lacking. Research and demonstration projects, training grants and fellowships, and practically all aspects of the program reflect the agency's cautiousness, its lack of understanding, and its preoccupation with public health matters.

The Public Health Service thinks mainly in terms of measles, whooping cough, and other diseases—not in terms of abundant water resources and of supply and demand for uses of all kinds. As long as disease outbreaks are avoided, it appears to make little difference if streams flow forever foul, tainted, and stained, unsuited for agriculture, useless for cities and factories without costly and complicated treatment, unfit for recreation, fish and wildlife, and other uses. I say these things not in harshness, Mr. Chairman. By training and outlook, the medical profession is geared for disease control, not water-pollution abatement.

The pollution program always has been in HEW's seventh subbasement, and conservationists are gratified that the Congress is going to elevate the program to its rightful position. We strongly urge that this be done. Pollution control rates full partnership with flood control, navigation, irrigation, soil conservation, forestry, and other basic and essential watershed-oriented programs. Elevating this vital program to administrative status where it can function on a par with other resources considerations constitutes one of the most significant steps that can be taken by this Congress. We urge that the water pollution control program be removed completely from any direct or residual administration by the Public Health Service. We fully endorse H.R. 3988 and similar bills in this regard.

We also believe that the entire program—enforcement, research, construction, and other grants, comprehensive planning, standards laboratories, and all other segments—should be kept in a single administrative unit. Upgrading the program and keeping it together must have first priority. Fragmenting the program and assigning responsibility for its various parts to two or more supervisory units is not desirable. Achieving and maintaining productive relationships between program functions is a difficult and never-ending task even in a closely coordinated administrative unit. Splitting program responsibility, as might occur under the provisions of S. 4, would create the perfect atmosphere for confusion, duplication, friction, and inertia. The best way to prevent this from happening is by assigning full program responsibility to the new Water Pollution Control Administration as is contemplated by H.R. 3988, H.R. 4627, and similar bills.

Conservationists support both the House and Senate bills in their recommendation for increasing the dollar ceiling for grants for the construction of single and joint community waste treatment projects. Experience shows that the increases are necessary to keep the construction grants program apace with increasing costs of construction as well as with the opportunities for erecting facilities that will make a significant contribution toward reducing the amount of wastes that reach water courses. We prefer the higher amounts that are carried in the House bills for these purposes. In addition, we support the recommendation of both the House and Senate bills that would authorize a 3-year, \$20 million grants program for the demonstration of new or improved methods of abating pollution originating from sewers which carry storm water or both storm water, sewage, and other wastes.

We are disappointed that neither the House nor Senate bills seek to amend the current ceiling on Federal grants to municipalities for the construction of sewage treatment facilities. That ceiling presently is set at \$100 million annually, and the conservationists believe there is ample justification for increasing it to \$200 million a year. The history of the operating experience of the program shows clearly that much more money could be invested beneficially in needed sewage treatment works. We simply are not doing all that could be done because of the lack of financing. Conservationists believe that it would be prudent for the Federal Government to invest greater sums in these essential treatment facilities now. Mounting an effective pollution abatement program cannot be delayed forever, Mr. Chairman, and the decision really facing Congress is not whether a Federal investment should be made. The question is, when is the Federal Government going to begin to do more to uphold its part of the responsibility for improving the quality of the Nation's waters. We believe that time is now, and we urge the committee to recommend that the construction grants ceiling be increased to \$200 million annually.

We support and endorse the authority that would be granted the Secretary for working with the States and others in preparing regulations for standards of quality in interstate waters. We urge the committee to explain in its report on this bill that the purpose of the standards is to improve and enhance water quality. Some persons are apprehensive that standards will result in classifying streams for waste disposal. We do not believe the Congress would want that to happen, and we urge the committee to emphasize that the standards should be upgraded as new knowledge and new techniques become available. The committee should make clear that the ultimate goal in this entire program is to reach the day when maximum attention is given to preventing wastes of all kinds from reaching water courses. Only when that stage is reached, Mr. Chairman, will we have an effective water pollution control program in this country.

In summary, we believe that if the water pollution control program is to move forward uniformly and achieve the necessary results, all functions of the program should be vested in a new Water Pollution Control Administration as contemplated by H.R. 3988 and similar bills. We believe that the grants ceilings should be increased as contemplated by H.R. 3988 and that the bill should be amended to increase the construction grants to \$200 million annually. We also agree with the authority that would be given for the setting of standards of water quality as well as for the enforcement procedure for interstate and navigable waters. We cannot stress too strongly that the Congress should transfer all water pollution control functions of the HEW Department to the new administration. The last time the act was amended, Congress left program responsibility to the discretion of the Secretary. He did not remove the handicaps, and conservationists believe that the time has come for the Congress to take decisive action in this crucial matter.

Mr. BLATNIK. The next gentleman on the list is Dr. Spencer Smith, from the Citizens Committee on Natural Resources.

Dr. Smith is an old friend of the committee.

I think you have beaten Senator Whitfield's record. I believe this is your 12th appearance before the committee on this subject or related legislation.

STATEMENT OF DR. SPENCER M. SMITH, SECRETARY, CITIZENS COMMITTEE ON NATURAL RESOURCES

Dr. SMITH. That is right, the 12th.

Members of the committee can probably give my testimony better than I can, they have heard it so often.

Mr. JONES. Dr. Smith, I have listened to it a number of times. It is always a great refrain. You go through with it. [Laughter.]

Dr. SMITH. Thank you very much, Congressman.

I wanted to concentrate my own comments without intruding too much on the areas chosen for discussion by my colleagues, that involving enforcement.

There has been a considerable confusion and discussion regarding enforcement, even though the enforcement sections, per se, in H.R. 3988, are not changed. Enforcement sections are essentially the same.

I am deeply cheered by the great concern for the rights of individuals to make sure they are not abrogated, either in setting up standards or in enforcement proceedings, and I should like to have that concern broadened to people like myself, since if I am in a boat somewhere, I have no recourse to courts or any place else, if a person starts at the head of the stream and starts to pollute that stream. I have no recourse. I cannot obtain counsel, I cannot go anywhere unless it is to the Federal Government to encourage them to take some action.

Senator Kerr once said, in debating this bill on the floor of the Senate, that he is amazed, while appreciative of trying to protect all

rights of all individuals, it appeared to him that the right to pollute had almost become a property right and you could not take this right to pollute away from somebody unless you had due process of law. There was no real consideration being given by those adversely affected as a result of this pollutant.

So while we are concerned in great detail with the rights of these individuals involved, we hope many other areas of society adversely affected by the pollutants themselves are also concerned.

I want to take one instance, because I am not a lawyer—and I am aware when I discuss this, it gives me a great advantage in that I am not fettered by the usual legal problems—I will just suggest this, that I cannot see what the standards section gives to the Secretary that he does not already have.

The only possible exception is the right to set standards on a stream where there has been no previous pollution, and, therefore, is not available or not appropriate for enforcement action. This is the one new thing.

At the present time, the Secretary goes onto a stream and says, irrespective of whether the States have promulgated stream classifications or whether they have not, if in the opinion of the Secretary this interstate stream, on his own volition, if he feels that the health and welfare is being endangered, he can so proceed, and he does proceed to call a conference.

I stand to reiterate the fact that the conference is made up of all various organizations, Federal-State government, at the conclusion of which the Secretary gives forth an order or suggestion as to what is to have taken place 6 months past. A board is convened at the end of that time, at the end of 6 months. If abatement has not been taken care of then, of course it may go to court action.

I should like to point out, Mr. Chairman, I have sat here many times, many hours in this hearing room, listening to industry and State representatives pointing out with the greatest detail, which would almost wring your heart at the terrible procedure this enforcement was going to enact when we enacted legislation authorizing enforcement. The tragedies that were to be taken care of, long hours of litigation in court—we have had 34 actions by the Federal Government on interstate streams and 1 of them has gone to court, 1.

Now, we suggest we are going to have standards; as a result of these standards, once again States' rights are going to be abrogated.

Mr. JONES. That one case was not adjudicated, either.

Dr. SMITH. In what fashion, sir?

Mr. JONES. I do not think it was adjudicated.

Dr. SMITH. You mean it did not go completely to trial?

Mr. JONES. No.

Dr. SMITH. But it did get into the courts, I recall.

But most of these have gone through conference, most of them have been settled at the conference level.

Now, my suggestion is this, Mr. Chairman—if I am wrong, that is not unusual, but I will suggest that at the end of the time the hearing is established and standards are set, the only thing that is different in this standards section, the only power that is conveyed on the Secretary that he does not have is to set a standard on a stream where there is no knowledgeable pollution as of the moment.

I would assume that there is nothing that can be enforced here until somebody, irrespective of this standard being set, can locate on the stream and then enforcement action is entailed.

So how this standard setting is new in relating to enforcement, I do not know. I do not see any great exaggeration of powers.

Now, my colleagues go into some detailed reservations they have about the standards, not what has been stated up to now, not that they are too high; in all probability they are liable to be too low.

This concludes my section, Mr. Chairman.

Mr. BLATNIK. Thank you very much, Dr. Smith.

Mr. Clapper.

Mr. CLAPPER. Mr. Stroud.

Mr. BLATNIK. Mr. Richard Stroud, executive vice president of Sport Fishing Institute.

STATEMENT OF RICHARD STROUD, EXECUTIVE VICE PRESIDENT, SPORT FISHING INSTITUTE

Mr. STROUD. As with the others, I have submitted a more detailed statement for the record, and I will try to stress an aspect that will not impinge too much upon what some of the others have to say.

At the outset, I would like to mention our organization officially has made a policy statement to the effect that it supports an expansion of the construction grants section to the monetary level that will permit an adequate job to be done, permit us to get on top of this thing. We feel that it is not nearly sufficient in scope at the present time.

I am sure that someone else is going to go into this in much more detail. I will endorse in advance the principle of what he is going to say.

I would like to talk a little bit about this water quality standards aspect, because as Sport Fishing Institute sees it, one of the most pressing needs is for watershed-by-watershed development of standards of water quality for protection from pollution of sensitive aquatic organisms. The prime objective in setting up water quality standards is to assure the survival, growth, reproduction, and general well-being of aquatic organisms, based on a thorough knowledge of their environmental requirements.

In addition, the concentrations of wastes and other potential toxicants which are not harmful to aquatic life under conditions of continuous exposure must be determined. In doing this, the requirements of the most sensitive species and the most sensitive stages in their life history must be considered. Obviously, it avails nothing to protect the adults if reproduction is prevented.

For any form of life, it is the extremes of the environmental conditions which are controlling. For example, even though temperatures in a stream may be lethal for trout for only 2 hours on only 1 day of the year, that stream ceases to be a trout stream. Standards for water quality must, therefore, protect against the extremes and assure that environmental conditions are favorable for the most sensitive organisms.

Such an approach, Mr. Chairman, is not to be confused with the old stream classification system. That system not only gave license to pollute, thereby degrading all water quality, it brought us to the brink of national disaster.

Provision of specific goals of water cleanliness, through development of water quality standards, would give meaning and substance to the hitherto nebulous philosophy of keeping water as clean as possible. Too, we should then have a firm basis for more successful legal action; it would be necessary to show only that a polluter violated the standards—not that he killed fish, as at present.

I might just say, too, that such standards as we seem to have, they vary quite widely. They are dependent upon negotiation, not upon the biological facts involved.

It is our view, even though much work remains to be done, as has been brought out, and even though many, many new and complex wastes are continually appearing, that preliminary water quality standards can and should be set up now. These can be based on presently available knowledge on a preliminary basis with the idea that they will be modified, they will be strengthened, and they will be confirmed by findings of future research.

Now, as I see it, the provision in the act with respect to the water quality standards is a good one. It does a little bit more, I think, than has been suggested, because it provides the machinery, the mechanisms, for the Federal Government to set standards if the States will not or cannot.

I think that experience shows us that either or both conditions may often prevail. So that if the Federal Government does not do it, nobody else is going to and we will simply lose our resources through default.

Thank you, sir.

Mr. CRAMER. Mr. Chairman, may I stress at that point that the further authority is not relating solely to States that have not fixed standards, but the authority also relates to those that have if the Secretary believes the standards in his opinion are not the standards he would set. So authority is quite wrong as it relates to even States like North Carolina that are trying desperately to do the job and making great headway.

The thing I do not want to see happen, and I am just as much for cleaning up streams as anybody else in the country, but what I do not want to see happen is the reverse effect—that is, the Federal Government getting into the setting of standards, discouraging the States from doing the job that might otherwise do it, duplicating the effort of the States where they are doing it, raising serious conflicting questions between the State and Federal Government which maybe should not necessarily be raised. And it might have the deterring and discouraging adverse effect, instead of beneficial effect.

Now, last year the committee saw fit to vote out a bill relating to the standards as recommendations to the hearing boards.

That would not have the same effect as this mandatory section would relating to the State responsibility and acceptance of it and superimposition of Federal standards over existing State standards where they are already going forward in this field, doing a good job in this field. That is what concerns me. I would like to have your comment on it.

Mr. STROUD. With all due respect, Congressman, I take a somewhat different view that the States are doing a good job, generally speaking.

Mr. CRAMER. I said the States that are doing a good job, that do have standards.

Mr. STROUD. In that event, if the standards are adequate and do provide for the protection of the more sensitive organisms, which I believe is a good principle to go on, there should be no conflict. Because the biological facts are the biological facts, and these are not subject to negotiation. These are either black or white or very close to it.

I really do not see that that danger to which you refer is a very great one, Congressman.

Mr. JONES. Mr. Chairman. I would like to ask Dr. Smith a question.

Mr. BLATNIK. Mr. Jones.

Mr. JONES. Doctor, we talk about the States establishing standards. Would you recount to the committee where the moneys are obtained by the States to carry out these studies to establish their own standards?

Dr. SMITH. Well, I think the Congressman has put his finger on it; in many, many States, money just is not available.

Mr. JONES. Who does it?

Dr. SMITH. In almost all instances where the studies are taking place, it either is not being done or the Federal Government does it in one way or another.

Mr. JONES. And most of the work presently being done to establish standards for the States is being done on Federal accounts?

Dr. SMITH. That is correct. In fact, Secretary Quigley put in a rather lengthy determination of where these preliminary studies—in some cases, he, in practically all cases, with the cooperation of the States, that the Government is carrying on now.

In view of this, directly related to this, the thing that stuns me a little bit is the problem of the Federal Government in setting standards. Because at the present time, let us assume that the State has established standards, yet on the volition, on an interstate stream, the Secretary under existing law, having nothing to do with the proposed legislation, the Secretary can go in and start enforcement action and call the conference, even though this takes place.

Mr. JONES. I did want to bring out the emphasis on that point, but the proposition is the States derived their standards from Federal funds making studies and monitoring these streams for all ingredients that determines water quality.

Dr. SMITH. Congressman, to the best of my knowledge, with the exception of some of the very major States, I would say this is true.

Mr. STROUD. Could I comment on that just briefly, Mr. Chairman?

Mr. BLATNIK. Mr. Stroud.

Mr. STROUD. I think part of the answer to your question, sir, is that most of the States are depending a great deal on the very small program that exists in the Public Health Service today.

As you will recall, last year the Congress saw fit to move to expand this program, accelerate it a great, great deal. This is the water quality research program in the Water Pollution Control Division.

Mr. JONES. How many States have monitoring stations that measure the amount of streamflow? Not a single one.

Mr. STROUD. I do not think any of them.

Mr. JONES. The only people that can report that are the Department of the Interior, the Tennessee Valley Authority, or the Corps of Engineers.

Dr. SMITH. That is right.

Mr. STROUD. The Public Health Service has a network.

Mr. JONES. If you can divorce streamflow away from water quality, then you have got a definite situation.

Just catalog them up and down. Look how many studies are made about torpidity of water. How many States carry on those studies?

Dr. SMITH. None that I know of.

Mr. JONES. The Geological Survey, what do they do for water-quality studies?

Almost all the information the States are receiving now are the direct results of Federal programs.

Dr. SMITH. That is exactly my point, sir.

Mr. SCHMIDHAUSER. Mr. Chairman.

Mr. BLATNIK. Mr. Schmidhauser.

Mr. SCHMIDHAUSER. If I may, I would like to suggest something with regard to the question of adverse economic effect. Coming from an area that borders on the beautiful Mississippi River, I have been very impressed by the arguments about adverse economic effects in reverse.

Would you care to comment on the adverse economic effect of pollution on the potential of a region like ours; a region which in my estimation would be ideal for the further development of recreation facilities of all the sports-related industries?

I do not want to be misunderstood in what I am emphasizing. I think we should be perfectly forthright in saying there is a good and sufficient reason to support this stronger legislation on the grounds that as our population increases, we have an obligation to be sure that the future generations have areas in which they can relax and maintain a certain degree of tranquility. But for those people who want to argue the economic effect, would you care to address yourself to the question?

Dr. SMITH. Congressman, in 1940 I did a study at the University of Iowa, Bureau of Business Research, in which we were trying to make some estimates on the general economy of the Mississippi River. During the 1930's, Mississippi River had practically, through the entire flow, the State of Iowa contiguous to it—oh, I do not know how many of these resort areas, fishing launches, et cetera. By the year just prior to the war, practically three-fourths of these were gone.

We made some attempt to make an estimate of what the actual economic impact had been. This was due almost entirely to pollution; oil slicks and a variety of others with which I am sure you are familiar. The guess was that the increased river traffic, as well as some of the other industries that had been located in that area, came up to about 40 percent of covering the actual loss that the actual pollution had incurred.

Now, this was covering the period of the 1930's. I am sure that case can be duplicated with even greater effects of magnitude again and again and again throughout the country.

You may want to comment on that.

Mr. STROUD. Yes. I could add this, the recent studies of the Outdoor Recreation Resources Review Commission, among which were a number of special studies concerning specific recreational resources, such as fishing, showed that in 42 States water pollution was considered to be one of the four leading deterrent factors to the creation

of abundant fishing. In fact, in half, it was considered to be either the first or second foremost factor of that nature.

I do not think there can be any doubt that it has a depressing effect upon the economic generation outdoor recreation is capable of.

I do not want to steal anything from Bob Dennis, of the Izaak Walton League, but I know that organization surveyed its own membership a couple of years ago and I believe Mr. Enfold reported this in a previous hearing before this committee, that if waters were not polluted, the members of his own organization, nationwide, would go fishing twice as often as they do now, which is very considerable at the present time.

We know the economic pressures that have been developed by the Fish and Wildlife Service using the Bureau of Census people, the value of fishing is very considerable, so that it does not take much imagination to see what this can escalate to. I think this is fairly typical of the whole recreation scene in this respect.

Mr. SCHMIDHAUSER. I certainly thank you very much. I would like to comment that it is a special pleasure to have you with us.

Dr. SMITH. The professor who ran that study happened to be Dr. Howard Bowen, who is now president of Iowa University.

(The statement by Richard H. Stroud follows:)

STATEMENT BY RICHARD H. STROUD, EXECUTIVE VICE PRESIDENT, SPORT FISHING INSTITUTE, WASHINGTON, D.C.

Mr. Chairman and members of the committee, my name is Richard H. Stroud. I am executive vice president of the Sport Fishing Institute, located in Washington, D.C., the only nonprofit, nongovernment, professionally staffed national fish conservation organization. Our main objective is to encourage the rapid development and application of sound fish conservation practices in order to improve sport fishing to the fullest. We derive our operating funds from a wide representation of manufacturers of various sorts of equipment used out fishing, related industries, and concerned individuals.

Sport Fishing Institute appreciates the opportunity to appear before your committee. At the outset, I should like to support the testimony of my colleagues in conservation concerning the several aspects of the Federal Water Pollution Control Administration to which they have addressed themselves.

Water pollution continues to be one of the most critical problems before the Nation today. The interests of many water users, including those primarily interested in fish, wildlife, and other forms of outdoor recreation, are of paramount concern to all of us. We have been disappointed by the failure of the Department of Health, Education, and Welfare to implement certain promises that we believe were made before several national conservation groups on August 16, 1961. As a result, we now feel that removal of the water pollution control program from the administration of the Public Health Service is a must. Status as a separate entity, and in its entirety, appears to be the only solution to enable this terrifically important program to function effectively.

H.R. 3988, if enacted, will go far toward providing the clean water that we need to sustain our very lives by. National daily water use in 1945 was 160 billion gallons per day, in 1963 this use had more than doubled to 335 billion gallons per day, in 1980 it is projected that this figure will nearly redouble again to 600 billion gallons per day, and at the century's end we can see a need for 1,000 billion gallons daily. Unfortunately, there are only 650 billion gallons of water per day available to man on the U.S. continent. This will necessitate much reuse. A clean water program is the only way to meet such needs.

Among other beneficial uses, it must be realized that surface water is the focus for many kinds of outdoor recreation, vitally important to millions of Americans, which is, therefore, one of the major beneficial uses of water. The U.S. Surgeon General has recognized the importance of outdoor recreation in maintaining the Nation's health, and he so stated in his report on environmental health problems to the 86th Congress, 2d session. The Outdoor Recre-

ation Resources Review Commission's report to the late President Kennedy strongly points out that "44 percent of the population prefer water-based recreation over any others," as well as showing that much land-based recreation is oriented around water areas. The top three participants in waterborne recreation included 45 percent of the population as swimmers, 38 percent of the population as anglers, and 28 percent as boating enthusiasts. The importance of water pollution control in this respect is emphasized by one of the ORRC's startling findings, that water pollution ranks among the four most significant deterrents to good fishing in 42 States. The facts and figures are myriad in documenting the great need for water in our everyday living, and need not be pursued further. We need greatly accelerated water pollution control to cope with this national disgrace, and enactment of H.R. 3988, preferably strengthened in certain respects, would move us closer to these goals.

Section 2 creates an administrator of the act with provisions transferring the entire water pollution control program to a new Federal Water Pollution Control Administrator, under an Assistant Secretary. Section 4 concerns grants for waste treatment works constructed with an increase in dollar ceilings for a single project to \$2 million and for a joint project to \$6 million. However, it does not provide adequate funds to help wipe off the backlog of needed sewage treatment plants, nor provide for the present and future exceptional needs over and above present grants. Construction grants for sewage treatment plants need to be raised to the level of \$200 million annually. We recommend that this authorization be added here because, unless accelerated, we will continue to fight an essentially rearguard action against an ever-more massive war of resource attrition. Municipal sewage treatment plants, however, are not the cure-all that is sometimes blissfully assumed by some folk.

Section 4 (enforcement) provides both administration powers and issuance of subpoenas to compel the presence and testimony of witnesses. Federal district courts are given jurisdiction to issue orders compelling compliance with orders and provides punishment through contempt proceedings upon failure to obey such court orders. This puts more needed teeth into the act, which we believe would be a significant step forward.

Much needed for positive pollution abatement is a watershed-by-watershed development of standards of water quality criteria for protection from pollution of the most sensitive species of aquatic organisms. Previous emphasis has been on maintaining minimum level of bacterial content required solely in the interests of human physical health. It is now evident this falls far short of needs. Rather, the entire aquatic ecology requires consideration with respect to a wide variety of environmental factors that govern the productivity of aquatic life. What is needed is a procedure whereby it would be necessary to prove only that polluters have defiled the water to the detriment of the aquatic life therein. For this purpose, unassailable standards for water quality criteria are needed to prescribe firm limits within which the aquatic organisms can reproduce and thrive in a state of general well-being. Enforcement procedures are generally thwarted, unless it can be demonstrated beyond doubt that the involved "fish kill" was in fact caused by pollution. Unfortunately, biologists don't know ahead of time where nor when pollution kills are to take place, so they are seldom on hand to record the event while in progress, and prove the cause beyond doubt. It is very difficult to prove it conclusively long after the fact, except in the most extreme and flagrant cases.

Consequently, conservationists now seek water quality standards in order to assure the survival, growth, reproduction, and general well-being of aquatic organisms, based on a thorough knowledge of environmental requirements of those organisms which we seek to protect, such as desirable levels of DO, pH, CO₂, temperature, alkalinity, and hardness. In addition, the concentrations of waste and other potential toxicants which are not harmful to aquatic life under conditions of continuous exposure must also be determined. In doing this, the requirements of the most sensitive species in the most sensitive stages in their life history must be considered. Obviously, it avails nothing to protect the adults if reproduction is prevented. In further amplification, I should like to submit as a part of my statement a copy of the lead article Aquatic Life Needs Protection in the Sport Fishing Institute Bulletin No. 152, for July 1964, in which I discussed this question in detail.

We reject the old idea of stream classification. That obsolescent system is wholly unrelated to the proposal for establishment of water quality standards. The former in effect condemned entire watersheds to serve as cesspools and

provide sewage transportation to other areas. On the contrary, an aggressive program to develop, apply, and refine water quality standards, on a watershed-by-watershed basis, will provide an effective tool for keeping water resources in a condition to meet the needs of all beneficial uses of water. With provision by this means of specific goals of cleanliness, meaning and substance will be given to the hitherto nebulous philosophy of keeping water as clean as possible. A firm basis would be established for legal action. Fact will be substituted for opinion that will stand up in any court of law.

Mr. Chairman, I would like to include for the record a copy of a resolution passed by the Sport Fishing Institute board of directors advocating accelerated water pollution control, at its last regular semiannual meeting, November 15, 1964. This resolution urges the Congress to take such actions as may be deemed necessary and desirable in their collective judgments to effect authorization and appropriation of more adequate funds to accelerate water pollution control through construction of essential sewage treatment facilities at a rate sufficient to eliminate the backlog of needed facilities and keep pace with population requirements such that "clean water" may be everywhere available by 1975.

Thank you, Mr. Chairman, for this opportunity to present the views of the Sport Fishing Institute on this vital matter.

BOARD OF DIRECTORS RESOLUTION—ACCELERATED WATER POLLUTION CONTROL

Whereas over the past 7-year period (1956-63) some \$2½ billion have been invested in community sewage treatment facilities, on a 4½-to-1 State and local to Federal basis; and

Whereas there is presently needed some \$2¼ billion for new, enlarged, or additional sewage plant construction; and

Whereas surveys estimate an average \$700 million must be spent annually over the next decade to eliminate the backlog, provide for the continuing population growth, and replace obsolete plants: Now, therefore, be it

Resolved, That the board of directors of the Sport Fishing Institute, assembled in semiannual meeting this 15th day of November 1964, at Las Vegas, Nev., do urge the executive department and the U.S. Congress to take such actions as may be deemed necessary and desirable in their collective judgments to effect authorization and appropriation of more adequate funds to accelerate water pollution control through construction of essential sewage treatment facilities at a rate sufficient to eliminate the backlog of needed facilities and keep pace with population requirements such that "clean water" may be everywhere available by 1975.

AQUATIC LIFE NEEDS PROTECTION

The Water Supply and Water Pollution Control Division, U.S. Public Health Service, is commencing to organize an expanded program of research on standards of water quality criteria to protect the most sensitive species from pollution. Congress has appropriated funds for construction of multimillion dollar research facilities in fresh water (Duluth, Minn.) and salt water (Kingston, R.I.), with design underway and at least partial staffing contemplated, if not imminent (as it preferably should be for planning efficiency). In an article in the November 1963, issue of Chemical Engineering Progress, Dr. Clarence M. Tarzwell, U.S. Public Health Service (Robert A. Taft Sanitary Engineering Center, Cincinnati, Ohio) top water quality expert, summarized very neatly the what, why, when, where, and how of the vital water quality criteria concept, as follows.

According to Dr. Tarzwell, the prime objective of aquatic biologists in the water pollution field is to set up water quality criteria essential for the protection and maintenance of aquatic life. The purpose of these criteria is to insure the survival, growth, reproduction, and general well-being of aquatic organisms. Therefore, they must be based on a thorough knowledge of the environmental requirements of those organisms which we seek to protect. Research must be directed toward the determination of the environmental requirements of these aquatic organisms, such as desirable levels of DO, pH, CO₂, temperature, alkalinity, and hardness. In addition, the concentrations of wastes and other potential toxicants which are not harmful to aquatic life under conditions of continuous exposure must also be determined. In doing this, the requirements of the most sensitive species and the most sensitive stages in their life history must be considered. Obviously, it avails nothing to protect the adults if reproduction is prevented.

Biologists are not interested in levels at which aquatic life can merely survive. They cannot deal with average conditions because average conditions are very poor measures of the suitability of an environment and they can be very misleading. In any form of life, Tarzwell notes, it is the extremes of the environmental conditions which are determining. Even though temperatures in a stream may be lethal for trout for only 2 hours on only 1 day of the year, that stream ceases to be a trout stream. Biologists must, therefore, protect against the extremes and insure that environmental conditions are favorable for the most sensitive organisms in the biota we seek to protect.

Unfortunately, all information essential for attaining these objectives is not now at hand. Although there is a large amount of knowledge regarding the environmental requirements of certain aquatic forms, a great deal more such knowledge is needed. This will require long-term research. Since new wastes are continually appearing, since there is a great backlog of work to be done, and since there are many thousands of species of organisms to be considered, work of this nature will never be completed.

Dr. Tarzwell emphasizes, however, that we cannot wait until we have all the answers before we establish tentative water quality criteria for the protection of aquatic life. If we use the knowledge and experience that we now have, he maintains that we can protect and save much of our aquatic life which would otherwise be lost. He urges that criteria should be set up now with the idea that they are tentative and that they will be modified, strengthened, or confirmed by findings of future research. We must have water-quality criteria to establish the objectives of advanced waste treatment.

Pollution abatement, Tarzwell points out, is largely a problem in applied ecology. The successful solution to pollution problems, therefore, demands an environmental approach to, and an ecological concept of the problem. While physicochemical methods of water renovation are of great importance, living organisms have a great and important role to play in this process. Research much be carried on in order to devise methods whereby organisms can be utilized in the transformation of waste organics into useful projects.

Dr. Tarzwell states that this latter field is practically in its infancy and is wide open for well-trained, competent research men having vision and drive. Take, for example, the algae problems in water supplies and in waste treatment. If methods are developed for the harvesting and use of algae, large percentages of dissolved materials can be removed from waste water before they are discharged into our water courses. Many materials which are now wasted and which require considerable expenditures for treatment can be converted into useful products.

Problems also exist in the disposal of materials removed in the renovation process. Some of these can be solved through biological research. Some materials can be used as fertilizers, or soil conditioners; some may be used to produce organisms, either plant or animal, which are directly used to serve in the food chain of other animals for which there is a demand.

Research in aquatic biology, Tarzwell concludes, holds much promise for the future development of water renovation technology. For too long, he says, the field of water pollution has been dominated by the thinking of one discipline. The abatement and control of water pollution is a large, complex, and extremely difficult problem. The solution is beyond the capability of any one discipline or group; it will require teamwork between the different disciplines as determined by research needs.

Mr. BLATNIK. Mr. Dennis.

STATEMENT OF ROBERT DENNIS, IZAAK WALTON LEAGUE OF AMERICA

Mr. DENNIS. Mr. Chairman, I am Robert Dennis, of the Izaak Walton League of America.

I appreciate that the written statement will be incorporated in the record. It is a short statement.

We had a more detailed presentation just about a year ago before this same committee and did not see any need to take up all that space again.

This afternoon, I would just like to make a few general comments about the standards section. The league has been somewhat nervous in the past that the Federal water quality standards might become, in effect, a license to pollute up to the full levels of whatever those standards might be. We have had this experience in the past with some of these State classification systems. But if it is the judgment of this committee to retain section 5 in the bill, we would offer a few comments about it.

First of all, we believe very strongly that Federal water quality standards should be set strictly in accord with the purpose of this legislation, to enhance the qualities of American waters. We do not think that these standards should be used to maintain the status quo, nor certainly not to retreat from that status quo.

We also therefore endorse, as strongly as we know how to endorse it, President Johnson's recommendation, included in his message on natural beauty, that this legislation should provide, and I quote:

Through the setting of effective water-quality standards combined with a swift and effective enforcement procedure a national program to prevent water pollution at its source.

This we think should be the main thrust of any standards set by the Federal Government under this legislation.

We believe that the practical effect of section 5 will be to encourage States to set their own water quality standards, and we would like to see some clear assurance that States standards will be in accord with the purpose of this legislation, to enhance quality of America's waters.

We certainly would hope that State water quality standards would not be allowed to prevent initiation of Federal enforcement procedures where such procedures become necessary.

We believe that it should be made clear that water quality standards will be continually reviewed and upgraded, as our pollution abatement and control technology advances. We certainly would not want to have a standard set and then never have the opportunity to come back and revise that standard to improve the quality of the Nation's streams.

In accordance with these comments, we vigorously urge that the legislative record on H.R. 3988 make it clear that the standards test shall be standards which will enhance water quality. In our opinion, the existing record concerning standards tend to be more explicit on how they should not be drawn than it is on what water quality standards ought to be. We believe that the legislative record on standards must be a positive record.

Thank you, Mr. Chairman.

Mr. BLATNIK. Thank you, Mr. Dennis.

(The statement by Robert T. Dennis follows:)

STATEMENT OF THE IZAAK WALTON LEAGUE OF AMERICA

I am Robert T. Dennis, assistant conservation director of the Izaak Walton League of America—a nationwide organization of citizens dedicated to the wise use and management of the Nation's natural resources.

Since its establishment in 1922 the Izaak Walton League has had a priority interest in clean waters. Indeed, the men who founded the league did so because

of their disgust with the wholesale destruction of prime recreational opportunities through contamination of America's waters, and because of their resolve to do something about this problem. In 1927, at the request of the National Recreation Commission appointed by President Coolidge, the league undertook the first national survey of water pollution. League public education programs contributed substantially to creating the favorable climate under which past Federal pollution control laws have been enacted. League efforts in behalf of effective State pollution control action, and of construction of community sewage treatment plants, are numerous and continuing.

Mr. Chairman, our concern about water pollution is a major concern. Therefore, the opportunity to be here today is accepted with special appreciation.

We come to express our strongest endorsement of H.R. 3988.

Within our total support for the bill, we wish to give particular emphasis to a few points.

We note that "the purpose of this act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution." The key word in this statement is "enhance." In using it, we believe the Congress makes it abundantly clear that it is not satisfied with the present quality of America's waters, and vows that their quality must be vastly improved by aggressive action at all levels of government.

We believe that section 2 of H.R. 3988 is an improvement over section 2 of the Senate version. While the League is less concerned about the administrative location of Federal water pollution control activities than with their effectiveness, we are on record that the total Federal program should be the responsibility of a single high-level agency.

Turning now to section 5: the Izaak Walton League has long feared that Federal water quality standards might become in effect licenses to pollute up to the full levels of whatever standards might be set. If it is the judgment of this committee to retain section 5, we would offer a few comments:

(1) Federal water-quality standards should be set strictly in accord with the purpose of this legislation to *enhance* the qualities of America's waters—not to maintain the status quo nor to retreat therefrom. We therefore endorse, as strongly and as positively as we know how, President Johnson's natural beauty message recommendation that this legislation should provide, "through the setting of *effective* water quality standards, *combined with a swift and effective enforcement procedure* a national program to *prevent water pollution at its source* rather than attempting to cure pollution after it occurs." [Emphasis ours.]

We regard section 5(e) as a necessary step toward this goal.

(2) The practical effect of this section very likely will be to encourage States to set their own water quality standards. We would wish some assurance that State standards will be in accord with the purpose of this legislation. It is imperative that State water quality standards not be allowed to prevent initiation of Federal enforcement procedures where necessary.

(3) It should be made clear that water quality standards will be continually reviewed and upgraded as our pollution abatement and control technology advances.

(4) In accordance with these comments, we vigorously urge that the legislative record on H.R. 3988 make it clear that the standards set shall be standards which will enhance water quality. In our opinion, the existing record concerning standards tends to be more explicit on how they should not be drawn up than it is on what water quality standards should be. We believe that the legislative record on standards must be a positive record.

Mr. Chairman, the fact that we have signed out a few specific sections of this bill in our comments does not lessen our endorsement of the remainder. We hope it may be speedily considered by the committee and the House of Representatives. We hope it is approved.

Thank you for the opportunity to present our views.

Mr. BLATNIK. Mr. Callison.

We are pleased to see you again, Mr. Callison. We appreciate your coming down from New York to be here for this testimony.

STATEMENT OF CHARLES CALLISON, ASSISTANT TO PRESIDENT,
NATIONAL AUDUBON SOCIETY

Mr. CALLISON. Thank you, sir, it is a great privilege for me and a great pleasure to renew my acquaintance with this great committee. It has been one of my profound experiences as a professional conservationist to have appeared before this committee in connection with water pollution control legislation. I think each time this matter has been before the committee, I was present and I testified, sir, at the time the original Blatnik Act was passed in 1956.

I would like, in my part of this panel, to put some particular stress on the importance of the construction grants program. We believe that both S. 4, the measure passed by the Senate, and H.R. 3988, are far too modest in their proposed amendments to the section of the present law which authorizes construction grants for sewage treatment works.

When Public Law 660 was enacted, it seemed to make sense, if incentive grants were going to be instituted, to encourage sewage treatment, to tackle the smaller and easier problems first.

The big messes caused by the big cities in the big rivers seemed to complex and too costly to approach, so limitations were written into the law that favored smaller cities on smaller streams or on streams only partially polluted. I am not blaming anyone else for taking this perfectly human approach. We all have a tendency to turn to the smaller and easier jobs on our desks or in our shops when big complex and unpleasant tasks can be put aside.

I was around, as I mentioned, and involved when Public Law 660 was considered and passed. The provisions that have channeled most of the grant money to the smaller municipalities seemed to make sense to me at that time. However, we feel that we have now reached a point of maturity where we must face up to the big jobs. We must attack the problems confronting us in the major centers of population where the rivers are the most grossly polluted, but where by the same token the benefits will accrue to the most people and to the entire Nation when the pollution is abated and the water resources made usable again.

As you know, Governor Rockefeller, of New York State—and I speak also, Mr. Chairman, now as a resident of the State of New York and as a representative of an organization which has its national headquarters in New York City—the Governor of New York has proposed a State bond issue of \$1 billion in order to provide State aid equal to 30 percent of project costs in a 6-year program designed to meet the backlog of accumulated needs and new needs in sewage treatment works throughout the State by 1971. The total 6-year program will cost, it is estimated, \$1,709 million. The \$1 billion bond issue is proposed not only to finance a 30-percent State contribution, but to prefinance, if necessary, a 30-percent Federal share for each project, regardless of size.

The Governor's proposal has been strongly endorsed by the press in the State of New York and is uniformly applauded and supported by conservation organizations in the entire State.

We have been pleased to see that New York's political leadership has faced up realistically at last to the magnitude of the problem. It probably shows, however, that the sewage treatment needs of the State

have been consistently underestimated or glossed over in the past. I suspect the same is true in most States and that the similar national projections made by the U.S. Public Health Service also have been far too low. At any rate, the amount that Congress can appropriate annually for the construction grants program is now limited to \$100 million. Thirty percent of the estimated needs in New York State alone in a 6-year program to get the job done would require Federal grants averaging \$85 million a year, if the law permitted Federal participation up to 30 percent regardless of project size.

On the basis of the present program, the present limitations in the law, there are now ready to go some 1,500 sewage treatment projects throughout the country, which constitutes a backlog which would take \$185 million just to finance the Federal share. So you can see how we are falling behind at the present rate of authorization.

Any way you figure it, on the basis of actual national needs, the present annual ceiling of \$100 million is far too low. We recommend the pending legislation be amended to raise the authorization for construction grants at least to \$200 million at this time, and a ceiling of \$300 million would be more realistic.

May I also suggest respectfully, Mr. Chairman, that this committee write into H.R. 3988 or S. 4, whichever measure is reported, a provision which would call New York State's hand and ask the State to show its hand.

The Rockefeller plan at this date is only a proposal. The State legislature must approve the proposed bond issue, and then it will have to be taken to the people to be adopted in a statewide referendum.

My suggestion and my recommendation is that you write into the Federal law a provision that the Federal grants may equal 30 percent of the cost of sewage treatment plant construction, regardless of project size, in any State where the State itself provides financial aid equal to the Federal grants in a program designed to meet all sewage treatment needs in the State by the end of the 6-year period. Such a stipulation and offer in the Federal program would provide a powerful incentive to other States to adopt similar realistic, all-out attacks on water pollution, and it would help immeasurably to bring the program under control, and, sir, I think it would make New York put up or shut up. This needs to be done.

Mr. Chairman, that concludes my emphasis on a part of my statement, and I thank you for the privilege of placing my entire statement in the record.

Again, I want to thank you for this opportunity to express our views.

Mr. BLATNIK. I express the Chair's, and I speak for all the committee members, appreciation for your presentation.

You bring back many memories when you talk about the initial act back in 1956. I say very candidly with deep feeling for these gentlemen here, and more of your associates not here, some of whom have since gone, if it had not been for them, there would have been no initial Federal Water Pollution Control Act to begin with. It was a tremendous contribution to the national interest far beyond the responsibilities just of your own organizations, of great benefits to all of the citizens, all of the people of this great country of ours.

We thank you gentlemen very much.

Mr. CRAMER. May I ask the last witness a question?

Mr. BLATNIK. Yes, you may.

Mr. CRAMER. I was rather intrigued by your suggestion as to how we would provide incentive, related specifically to New York.

Have you any way of estimating how much additional Federal cost that would amount to, nationwide, over a 10-year period?

Mr. CALLISON. No, if New York followed through with Governor Rockefeller's proposal—which I was pleased to hear you recommend, Mr. Cramer—the Federal share, as proposed and recommended by Mr. Rockefeller, would amount to \$85 million a year on the basis of the calculations of the Rockefeller administration.

Mr. CRAMER. For how many years?

Mr. CALLISON. For 6 years. And at the end of that time, the sewage treatment problem would be in hand in the State of New York.

Mr. CRAMER. Meanwhile he would have caught up with the backlog?

Mr. CALLISON. Caught up with the backlog and kept up with new needs during that time.

Now, there probably are a few other States that have the magnitude of the pollution problem that the State of New York has. If my proposal were to be adopted, and a requirement for such a State program would be instituted before a Federal share of 30 percent of the cost would be available, how fast this would move would depend on how rapidly other States adopted similar programs.

It is difficult to estimate, but at least I think a \$200 or \$300 million annual ceiling would get the program started.

Mr. CRAMER. How long would it take \$300 million to catch up? We would not catch up with that, either. With \$300 million a year, we would not catch up.

Mr. CALLISON. Well, perhaps not. I do not know.

Of course, in many States, programs provide the necessary incentive, in States where there are not large centers of population.

Mr. CRAMER. I just wonder how many hundreds of millions it will take of Federal money to catch up, say, over a 10-year period? Just to catch up.

Mr. STROUD. \$200 million is the estimate.

Mr. CALLISON. Dr. Smith informs me that such a calculation has been made, an estimate.

Dr. SMITH. My understanding is, approximate, to catch up—I am not talking about taking care of increases in accelerated needs as we go along, but to catch up—by 1971, if we spend \$500 million a year Federal money, with the appropriate amount spent by States on a matching basis, that would put us approximately even.

Mr. CRAMER. You mean assuming that the local communities can come up with their 70-percent share?

Dr. SMITH. That is correct. That is correct.

Mr. CRAMER. I commend the New York approach, because last time we had this subject up, as you recall, we tried to amend the legislation, again hoping to provide an incentive for the States to do exactly what you are talking about, requiring State matching. States are not in the picture in many areas. Many of the States refuse to participate. And I, too, would like to find a way of providing reasonable incentive for States to do the job. Because the figure you quoted, \$500 million a year—we can sit here, as we did in 1956 and again in 1961, and give the impression that this is the answer to the problem, and you are

setting the standards, the length of time it is going to take. And that approach is not the full answer. The \$200 million you suggest is not the full answer. And it seems to me that really the only way we are going to get to a reasonable answer is by encouraging the States to do the same thing the Federal Government is doing, and that is to get in the picture with money as New York is apparently planning to do.

Now, this is the amendment we tried to get some interest in the last time this bill was up, but it is interesting to me how little interest there is, I say respectfully, among the conservation groups as well, generally, in getting the States or getting an amendment to the Federal law that would encourage the States in some way to get into this picture and start doing their job. I am talking about the money costs. Because we, on the Federal level, are not going to do it with \$100 million. We cannot do it with \$200 or \$500 million.

Dr. SMITH. My understanding is, Congressman, what Mr. Callison suggested is in addition to the present provisions. He would not make it, for example, mandatory, as I understand; in this instance, he would not make it mandatory that the municipalities could not qualify unless the States came in. This was an incentive in addition to the present provisions of the act, if I am correct.

Mr. CALLISON. That is correct. In addition to the present grants program, which provides 30 percent of the project costs up to a certain rather modest ceiling.

Mr. CRAMER. I will bet you this, I will bet in the next couple of years, you will come around to our point of view. If we had done it a couple of years ago, we would only have needed a couple million dollars Federal to do the job.

A lot of people are not going to face up to requiring the States to accept this responsibility.

Mr. CALLISON. Mr. Cramer, I believe the States will come around to your point of view, if this law is amended to provide 30 percent, regardless of size, if the States come forth with a program of the kind proposed by Governor Rockefeller.

Mr. CRAMER. I do not think they are going to do that.

Dr. SMITH. I do not, either.

Mr. CALLISON. Some States may not need to; but if they do, this is offered.

I think it is entirely to the economic advantage of all States to clean up water pollution in 6 years. Many States are losing opportunities, many localities are, to induce new industries to come into the area, because they do not have the clean water those industries require.

Mr. GUTERMUTH. The whole basic thing is, in this regard, many of these States are simply never going to get around to carrying their share of the load until something is done that requires them to clean up this water. This is the problem. And we have always regarded that this \$200 million that we are now talking about would be a real incentive to do this.

If it does not, then again we have got to come back and come back again, I hope, until we can get this situation cleaned up. Because the economy and the welfare of the country is going to demand it.

(At this point, Mr. Dorn assumed the chair.)

Mr. CRAMER. Well, that is an interesting observation, but it appears to me that people in local communities are going to demand sewage

disposal treatment plants, and, of course, water pollution control, and so forth, is of some assistance to force them into that position. But as you said, there are 1,600 applicants already, 1,600 projects ready to go.

Dr. SMITH. Yes.

Mr. CRAMER. So they do not need any incentive; they need the money. They are ready to go. And all this talk about standards, and so forth, on streams is not going to affect that situation in the slightest. They are ready to go and know it needs to be done. What they need is some way of getting additional funds, either by coming to the Federal Government or by going to the States. It is awfully easy to come to the Federal Government, but few people are willing to tackle the tough job of going to the States and getting them to accept their responsibilities in this field. That is the project I would like to see the conservationists take on, because I will tell you frankly, I introduced the 1956 act, and I have tried to help get what I thought was sound approaches since that time. But I get a little discouraged and disgusted when any time someone makes the suggestion, so far as I am concerned, I think it would meet the problem and it is the only way it is going to be met, that there is just a few of us willing to stand up and be counted in that respect. There are a lot of easy ways to do it, such as the bill before us. But when it comes to providing the money in this sewage disposal plant area and requiring the States to do their job, everybody backs off a little bit. They are not willing to accept that challenge.

Mr. CALLISON. Mr. Cramer, may I respond to that, sir?

Mr. CRAMER. Certainly.

Mr. CALLISON. It is not quite accurate to say that the conservationists have not gone to their State capitals and their State legislatures to try to get something done about water pollution.

Mr. Dennis can testify for the Izaak Walton League of America that this has been one of their foremost campaigns, and that for years, as a matter of fact for decades, they hammered on the doors of the State legislators trying to get effective water pollution control programs put into effect and good water pollution control laws passed. Only when they gave up or only when they repeatedly were defeated by the lobbyists that were stronger in the State capitals, more effective in the State capitals than they are before the Congress of the United States, which we have great respect for because it can rise above these special interest lobbies, did we begin to get an effective program going.

First we tried the State capitals, and we have never given up. Izaak Walton League of America and its many fine State groups still go and hammer at the doors of the State legislators. And so do the affiliates of the National "Y" Federation and the Audubon Society.

Mr. CRAMER. And we tried in 1961, on our side, we tried to give you a little help by providing the Federal incentive, they would not get Federal money until the State started matching it after a certain period of time lapsed. They had plenty of notice, as I recall 3 years, thereafter they had to start matching.

You go to the legislature with that argument and you get some results.

Dr. SMITH. The difficulty was, Mr. Cramer, as I recall the proposal, were you not going to phase out the matching funds?

Mr. CRAMER. The State-Federal matching.

Dr. SMITH. And let the State carry the burden.

Mr. DORN. Thank you very much for your very individual and constructive testimony.

(Statement and letter of Charles H. Callison follows:)

STATEMENT BY CHARLES H. CALLISON, ASSISTANT TO THE PRESIDENT, NATIONAL AUDUBON SOCIETY

In behalf of the National Audubon Society, one of the Nation's oldest and largest conservation organizations, I welcome the opportunity to appear before this committee, out of which emerged the historic Blatnik Water Pollution Control Act of 1956. It was that act that gave us our first effective Federal water pollution control program and at the same time bolstered the efforts of State and local governments to combat the pollution plague.

Our Nation is growing rapidly in human population, industry, and technology. Our pollution control programs must be expanded and improved to keep pace. In our opinion the legislation now under consideration represents a need advance. In some respects both S. 4, the measure recently passed by the Senate, and H.R. 3988, the bill sponsored by the distinguished chairman of this subcommittee, are too modest, in our opinion. I wish to suggest some ways they should be strengthened.

The water pollution problem is now too massive, and it affects too many aspects of the national economy and the public welfare, for the Federal program designed to combat it to be handled as a kind of sideline by an agency as narrowly oriented as the U.S. Public Health Service. Therefore, we believe it is high time, and absolutely necessary, to create a Federal Pollution Control Administration. There are many potential advantages in setting this program out clearly in an agency wherein the Congress, the States, and municipalities, and the public can clearly identify responsibility. We need an agency that will not feel it has to pull its punches because of historic alliances and relationships with tradition-bound health agencies at the State and local levels. I am not deprecating the role of the health agencies. Their services and accomplishments in combating human disease and advancing public sanitation have been tremendous. But the water pollution problem is much broader than a health problem. The critical situation now confronting this Nation in the conservation of water and water-related resources demands innovation. At times it requires a bare-knuckle approach.

With respect to the establishment of a Water Pollution Control Administration and the transfer of functions to it, we believe the provisions of H.R. 3988 are preferable to the similar provisions of S. 4. The House bill would keep all of the functions relating to water pollution under one administrative roof and facilitate a better coordinated, more effective program.

We believe both S. 4 and H.R. 3988 are far too modest and tentative in their proposed amendments to the section of present law which authorizes construction grants for sewage treatment works. When Public Law 660 of the 84th Congress was enacted, it seemed to make sense, if incentive grants were going to be instituted to encourage sewage treatment, to tackle the smaller and easier problems first. The messes caused by the big cities in big rivers seemed too complex and too costly to approach, so limitations were written into the law that favored smaller cities on smaller streams, or on streams only partially polluted. I am not blaming anyone else for taking this perfectly human approach. We all have a tendency to turn to the smaller and easier jobs on our desks or in our shops when big, complex, and unpleasant tasks can be put aside. I was around and involved when Public Law 660 was considered and passed. I testified at the hearings on it. The provisions that have channeled most of the grant money to the smaller municipalities seemed to make sense to me at the time.

However, we have now reached a point of maturity where we must face up to the big jobs. We must attack the problems confronting us in the major centers of population where the rivers are the most grossly polluted but where, by the same token, the benefits will accrue to the entire Nation when the pollution is abated and the water resources made usable again.

Governor Rockefeller, of New York, has proposed a State bond issue of \$1 billion in order to provide State aid equal to 30 percent of project costs in a 6-year

program designed to meet the backlog of accumulated needs and new needs in sewage-treatment works throughout the State by 1971. The total 6-year program will cost, it is estimated, \$1,709 million; and the billion-dollar bond issue is proposed not only to finance a 30-percent State contribution, but to prefinance, if necessary, a 30-percent Federal share for each project regardless of size. The Governor's proposal has been strongly endorsed by the press and is uniformly applauded and supported by conservation organizations in the Empire State.

We have been pleased to see the New York's political leadership face up realistically at last to the magnitude of the problem. The proposal shows, however, that the sewage-treatment needs of the State have been consistently underestimated or glossed over in the past. I suspect the same is true in most States, and that the similar national projections made by the U.S. Public Health Service also have been far too low.

At any rate, the amount that Congress can appropriate annually for the construction-grants program is now limited by law to \$100 million. Thirty percent of the estimated needs in New York State alone, in a 6-year program to get the job done, would require Federal grants averaging \$85 million per year, if the law permitted Federal participation up to 30 percent regardless of project size.

Any way you figure it on the basis of actual national needs, the present annual ceiling of \$100 million is far too low. We recommend the pending legislation be amended to raise the authorization for construction grants at least to \$200 million at this time. A ceiling of \$300 million would be more realistic.

Senators Javits and Kennedy of New York have introduced a bill (S. 1092) that would amend the construction grants section of the Water Pollution Control Act to remove the existing limitations of \$600,000 for an individual project and \$2.4 million for joint projects serving two or more communities. Their purpose is to clear the way for Federal assistance up to 30 percent of the cost of all projects, as requested by Governor Rockefeller. I recommend the Javits-Kennedy proposal be given earnest consideration by this committee.

May I suggest respectfully, Mr. Chairman, that this committee write into H.R. 3938 or S. 4, whichever measure is reported, a provision that would call the New York State bet and ask the State to show its hand? The Rockefeller plan is, at this date, only a proposal. The State legislature must approve the proposed bond issue and then it will have to be adopted by the voters in a statewide referendum.

My suggestion, and my recommendation, is that you write into the Federal law a provision that the Federal grants may equal 30 percent of the cost of sewage-treatment plant construction, regardless of project size, in any State where the State itself provides financial aid equal to the federal grants in a program designed to meet all sewage-treatment needs in the State by the end of a 6-year period.

Such a stipulation and offer in the Federal program would provide a powerful incentive to other States to adopt similar realistic, all-out attacks on water pollution. It would help immeasurably to bring this dreadful problem under control.

We recommend strengthening section 5(c) of H.R. 3988 by making it apply not only to shellfish and shellfish products, but also to other marine fishery resources of interstate importance that are damaged substantially by pollution. The pollution of estuarine and offshore waters has been badly neglected. Generally speaking, the States have been inclined to ignore the offshore problems, or to regard them as beyond their capacity to control. The proposed language that would let the Federal administration step in when shellfish resources are kept out of interstate commerce is a good step in the right direction. But is there any good reason for limiting this provision to shellfish? We recommend amending H.R. 3988 by changing the period at the end of line 11, page 9, to a comma, and adding the following: "or if he finds that such pollution substantially damages or diminishes the production of species of fish whose natural migrations or movements in offshore waters make them of commercial and recreational importance in a State other than the State in which the pollution originates."

I hope the committee will favorably consider our recommendations, adopt them, and promptly report H.R. 3988 or S. 4 so it can be passed by the House. I thank you for this opportunity to express our views.

NATIONAL AUDUBON SOCIETY,
New York, N.Y., February 20, 1965.

HON. GEORGE H. FALLON,
Chairman, House Committee on Public Works,
House Office Building, Washington, D.C.

DEAR MR. FALLON: It was my privilege yesterday, February 19, to present a statement for the National Audubon Society in support of pending water pollution control legislation at the hearing held by your committee. The schedule was crowded and I did not take the time of the committee to supplement my prepared statement with some oral remarks about the commendable and highly valuable public information and education activities now carried on under authority contained in section 4 of the present Water Pollution Control Act. While this authority would not be amended or directly affected by amendments proposed in the pending legislation, I wish, nevertheless, to comment for the record on the importance of continuing this essential information-education program and the desirability of expanding it as funds and opportunity will permit.

The importance, indeed the necessity, of letting the public know the facts about the nature, extent, and seriousness of water pollution is inherent in the research, survey, and planning functions which the Public Works Committee and the Congress so wisely provided for in Public Law 660 of the 84th Congress. That act declares and stresses the primary responsibility of the States and local governments for pollution control and abatement. The voters and taxpayers in any State will support their State programs and pass the necessary bond issues for sewage-treatment plants only to the extent that they understand the problem and the needs.

I speak not only as a representative of a national conservation organization, but also out of experience as a former member (1961-64) of the Federal Water Pollution Control Advisory Board, a position to which I was appointed by President Kennedy.

At the specific recommendation of the Advisory Board, an expanded "public awareness" program was started in 1960 and 1961. It has been carried on at minimum expense to the Federal Government because the assistance of the Advertising Council was solicited, and freely given, as a public service. With both the talent and imprimatur of the influential Advertising Council behind it, the program has received free, or public service, time on most of the radio and television broadcasting stations of America. It has likewise received both editorial and advertising space in the Nation's press without cost to the taxpayers.

In all the TV and radio announcements, in the newspaper and magazine articles, in car-card displays, and through other media, the stress and the theme have been: "Support your State and local clean-water programs." Nearly all the State pollution-control agencies have cooperated by receiving the tens of thousands of citizen inquiries that the program had invoked, and by sending educational literature in response.

To a degree that cannot be accurately measured but, nevertheless, to a degree that I believe is significant, the information-education program has helped produce the following good and apparent results:

1. The public is showing in every way its desire for more progress in curbing pollution.

2. It is passing local bond issues, showing willingness to pay for necessary waste-treatment public works.

3. Its interest is encouraging local and State officials to take a more aggressive part in controlling pollution.

I request respectfully, Mr. Chairman, that this letter be made a part of the record of the hearings on H.R. 3988, S. 4, and related bills. Again I thank you for the opportunity to present our views.

Sincerely,

CHARLES H. CALLISON,
Assistant to the President.

Mr. DORN. I would like to request witnesses to move as expeditiously as possible and insert in the record that which you could possibly do.

Now, the next witness is the charming Mrs. David H. Wallace, director of the Oyster Institute of North America.

We want to welcome you back to the committee again, Mrs. Wallace.

STATEMENT OF MRS. DAVID H. WALLACE, DIRECTOR, OYSTER INSTITUTE OF NORTH AMERICA; ACCOMPANIED BY WILLIAM WOODFIELD, PAST PRESIDENT

Mrs. WALLACE. Thank you, Chairman Dorn and remaining members of the committee.

When Mr. Fallon called and gave a request that we be here, I thought perhaps he would want the current situation in his own State of Maryland, and thus I requested our outstanding seafood dealer and farmer in Maryland, Mr. William Woodfield, immediate past president of the Oyster Institute of North America, to come with me.

Mr. DORN. Mrs. Wallace, you go right ahead. We are accustomed to listening with one ear.

Mrs. WALLACE. Yes, sir. But Mr. Woodfield is here as our legislative chairman to answer any specific questions.

My name is Elizabeth M. Wallace, director of the Oyster Institute of North America, the trade association representing the shellfisheries.

Our members are the shellfish farmers, harvesters, and distributors of our country. This includes the three major species of oysters and also the three major species of clams.

We are grateful for the opportunity to speak in favor of H.R. 3988. It is encouraging to know that our needs are being recognized as spelled out in this proposed legislation.

At the molluskan hearings before the Subcommittee on Fish and Wildlife Conservation in October 1963, industry members came from all major shellfish-producing areas. Of the 42 testimonies submitted, only 8 failed to designate pollution as a major deterrent to the production of clams and oysters.

Because these mollusks grow in the estuaries—in other words, we are the end product of all of this pollution, we receive it—where the salt and the fresh water meet and mingle, you may compare our industry to a barometer, to use a nautical term, of the measure of the present pollution conditions. That barometer has been dropping each year from a record catch of oysters in 1908 of 152 million pounds to approximately 55 million pounds last year. All together, we are talking about, in clams and oysters, about 100 million pounds of marvelously nutritious meat.

As you know, the economic structure of many of our shore communities is based on commercial mollusks. I hope to be able to persuade those of you who are here, who are not otherwise committed to the bill, how essential to the shellfisheries and to the economy of the people and to their health this bill is.

The following dissertation is to acquaint you with the potential, and I will give it to you in brief: We are now working on hatchery production of seed, because the pollution has cut out so many of our seed areas. Without seed, prime Long Island Great South Bay ground

can grow 500 bushels of clams per year per acre. The Bluepoints Co., which has gone into hatchery production of seed, plants their seed to give 500 bushels of oysters per year per acre. This is the potential we are talking about. So you see that our industry can be multiplied manifold, should we have the clean water in which to grow them. That is the crux of the dissertation.

When water is used for waste disposal, that becomes the only use.

One aspect of the use of clams and oysters as food has never been presented to you until now. It is brandnew research and I am bringing it to you for your consideration.

In about 1955 Dr. Nigrelli, of New York, and many of his colleagues, began to work on the growth-inhibiting and growth-accelerating properties of marine organisms. In 1962 Dr. C. P. Li brought this into focus for us for health benefits when he found out, in his work at the National Institutes of Health, an article called "Antimicrobial Agents From Mollusks."

Now, I have reprinted that as supplement 1 and you can look it over at your leisure.

He called this paolin or fraction C, one or the other, which showed both antibacterial and antiviral properties. When he tried it with mice with streptococcus bacteria and with the influenza B virus and with polio III virus, the death and/or paralytic rates were cut dramatically in each instance.

I have the originals here if your committee needs them, because in some cases I have not printed the whole article, just leaving out most of the technical things, but lest you want to check on this, we have this for you.

Mr. DORN. Thank you, ma'am.

Mrs. WALLACE. In April of 1964, the Sciences, which is the organ of the American Association for the Advancement of Science, whose beautiful center is on Massachusetts Avenue, published a résumé of the work that is being done on mercenaria, which shows that this is effective in the regression of growth of two common cancers.

In December, Dr. Li reviewed his work before the current session of the New York Academy of Science. It is reported in the National Institute of Health Record of January 26, 1965. In addition to preventing tumors, paolins, as he calls it, also inhibit the common cold sore and eye infections.

Now, you may delete that about the eyes. It did not prove quite as specific for that particular virus. It is not that it is not good, but this testimony is completely accurate and I want you to be aware of this.

See, all of these supplements are listed for you. I copied the papers or the pages on which they were printed and then mimeographed it for you in the event that you had difficulty in reading it.

Ohio State University and St. Mary's College have joined forces to investigate the secret of a cancer cure locked within the shell of the clam.

The very last article here is a reprint from the medical press of France. You know, Frenchmen traditionally love oysters, almost to immoderation, and they are going to eat them anyway. But this gives them a marvelous opportunity and excuse to do so.

So this is reprinted. It was a summary of all the work being done in this country, by a Mr. Vincent.

Just a year ago, I had the privilege of giving you very shocking testimony about the paper mills, whose effluent, sulfite waste liquor, was so devastating to the waters of the State of Washington, and that the oyster industry is being pushed into oblivion there.

I have listened with great interest today and do hope that Dr. Taylor has concern about this bill, because in those interstate waters, great help is needed from the pulp and paper effluent.

Some of you could scarcely believe the documented statements I made last year for our chairman of pollution, Mr. Edward Gruble of Seattle, Wash. It is distressing to report that the condition does not improve, even though there is a new Governor. The power structure remains the same; the production of oysters declines while the production of paper increases.

Until now, we have had to endure area after area being closed to the taking of shellfish. Our crops disappeared because the ecology had changed so that the species could no longer survive.

Last year a survey of shellfish-producing States revealed that in recent years, more than 980,000 acres of valuable oyster and clam producing areas have been lost because of pollution; 211,000 of these acres are in interstate waters.

These same States reported spending over \$1,720,000 of taxpayers' money to sample water, monitor shellfish bacteriologically, and to patrol areas to prevent the taking of clams and oysters from polluted areas. To us, this is wasted money. If we had pure waters to begin with, none of this would be necessary.

One of the goals of the Shellfish Sanitation Branch of the Public Health Service is to make a register of all shellfish-producing areas—actual and potential—to help coordinate pollution abatement with the preserving and reclaiming of the most valuable shellfish bottoms.

With your help, we hope the tide will turn, that good growing areas will be returned to the beneficial use of producing shellfish.

Mr. DORN. Thank you very much, Mrs. Wallace.

Mrs. WALLACE. Thank you, Mr. Dorn.

Mr. DORN. We appreciate your coming.

Mrs. WALLACE. Mr. Cramer, thank you for staying here. I represent a number of your constituents—

Mr. CRAMER. I am perfectly aware of it.

Mrs. WALLACE (continuing). Who hope you will support the bill.

Mr. DORN. Off the record.

(Discussion off the record.)

Mr. DORN. Our next witness is Mr. James F. Wright, Executive Director, Delaware River Basin Commission.

Is Mr. Wright in the room?

(Discussion off the record.)

Mr. DORN. General Decker, come right up.

I want to express my regrets, General, that you had to wait so long.

I want to remind the committee that General Decker served the Army with distinction throughout the world as Chief of Staff of the U.S. Army. His last assignment was here in Washington.

General, you are welcome any time, for that matter, but particularly we are glad to have you today.

You just go right ahead.

**STATEMENT OF GEN. GEORGE H. DECKER, U.S. ARMY, RETIRED,
PRESIDENT, MANUFACTURING CHEMISTS' ASSOCIATION; ACCOMPANIED BY WILLIAM J. CONNER, ATTORNEY, AND JEROME WILKENFELD**

General DECKER. Thank you very much, Mr. Chairman, for those kind words.

Mr. DORN. Pardon me for just one moment.

I might say you are representing the Manufacturing Chemists' Association of the United States.

General DECKER. That is correct.

Mr. DORN. We are glad to have you.

General DECKER. As you know, my name is George H. Decker.

I am accompanied by Mr. William J. Conner, on my left, and Mr. Jerome Wilkenfeld, on my right. We represent the Manufacturing Chemists' Association, a nonprofit trade association having 186 U.S. member corporations, large and small, which together account for more than 90 percent of the productive capacity of the chemical industry in this country. Since mid-1963, I have been the full-time president of the association.

Mr. Conner is an attorney, and Mr. Wilkenfeld is the technical superintendent of a chemical plant, each employed by a member company. Both have special knowledge in the water resources field, and are longtime members of our water resources committee.

Since this is the first time I have come before you in my present capacity, I would like to emphasize the chemical industry's interest in ample supplies of water of quality adequate to serve the economic and social needs of each region of the Nation. We are interested not only in the 10 billion gallons withdrawn daily for chemical manufacturing purposes—more than nine-tenths of which is used and then returned to surface waters—we also want abundant water resources for domestic supply, for sport and recreation, and for sheer enjoyment by our hundreds of thousands of employees and their friends in communities all across the land. Their needs and desires in a better society do not differ from those of other segments of the population.

Our people are not only interested; they have an avowed purpose to do their share toward reaching these objectives. A year ago we reported to you the millions of dollars already spent and being spent to design, build, and operate waste treatment and water pollution control facilities for the chemical industry. Our companies are not resting on these accomplishments; they know there is more to be done, and I am confident that they will pursue the task aggressively.

Thus we are in sympathy with President Johnson's emphasis on cleanup of polluted streams and prevention of new pollution before it occurs. I appreciate the difficulties you gentlemen face in attempting to distill the most acceptable and effective legal procedures from the many ideas and proposals put forward by various men of good will looking at the problem from different vantage points. I hope we can help you in this task which is so complex and yet so vital to the country's future.

We feel strongly that the original approach of Congress in the Water Pollution Control Act is still valid; that the State authorities should have primary responsibility in water pollution control, and

that the Federal Government should guide and assist them, but not take over enforcement except where they have not accepted their responsibilities. Second, we feel that maximum progress will come about through cooperation—between control officials and cities or plants who discharge pollutants, between neighboring States, between State and Federal authorities. A full partnership of State and Federal officials is imperative if this difficult job is to get done.

Turning now to one specific of the proposals before you, let us consider Federal authority to set standards of water quality for interstate waters or portions thereof, set forth in section 5 of pending bills. This is being put forward to provide a preventive device, sometimes referred to as a guideline against which water uses can be judged. Further, it is being advocated to provide an index on which enforcement proceedings may be triggered.

Discussion in the Senate leaves no doubt that what is visualized by that body is a separate set of standards for each particular and specified reach of water which, after procedural stipulations have been met, can be determined and promulgated by the Secretary of HEW; thereafter these standards may not be changed unless he chooses to do so. At the same time, under the amended hearing board and court provisions of S. 4, the board and the court would be empowered to consider evidence of the "practicability of complying with such standards as may be applicable." In ultimate effect, this seems to leave a very thin line between the standards-setting authority as proposed and the authority to recommend standards favorably considered by your committee last year.

As a practical matter, however, requirements corresponding to Federal standards as now proposed in S. 4 would in each instance stand unassailable for a long span of time, for the practicability of complying with them may not be challenged until the hearing board and court stages of an enforcement proceeding are reached. In the interest of both fairness and improved atmosphere for acceptance, it would seem desirable to provide for observance of the Administrative Procedure Act in establishing the Secretary's standards, including specific language to afford all affected parties—State authorities, business firms, and municipalities—an opportunity for prompt judicial review in the event they consider the standards to be unreasonable.

I pause here to emphasize, Mr. Chairman, that the language of S. 4 as now written does not provide for judicial review, even though a different impression was left by this mornnig's testimony.

Part D of the attached exhibit details how this might be accomplished.

Mr. CRAMER. Mr. Chairman.

Mr. DORN. Mr. Cramer.

Mr. CRAMER. Even if you provide for administrative action, judiciary review, that still does not mean trial de novo of all the facts either; does it?

General DECKER. Well, the administrative review is not exactly what would give everyone complete consideration in this matter. We feel that the judicial review should occur in the enforcement stage, in the hearing board stage, and in the court stage, and we have included language which would actually put that in effect.

Mr. CRAMER. I have read your language. I do not know whether it accomplishes what you intend to accomplish.

You have judicial review in the Administrative Procedure Act, but it is not a trial de novo review. The weight of the evidence favors the Government. The Government has to act unreasonably beyond proper discretion of the agency in order to upset its decisions. So the burden of proof is on the complaining party and it is presumed that what the agency did was correct. You have to overcome that presumption.

We have had this issue up many times in other instances. We had it up in three or four different bills. The question was: Should you provide for trial de novo in the Administrative Procedure Act?

General DECKER. Since this is a legal matter, I would ask Mr. Conner to speak to that, if you do not mind, Mr. Chairman.

Mr. DORN. Mr. Conner.

Mr. CONNER. Mr. Cramer, I think you are correct in your analysis that our language would only give review under section 1009 of the Administrative Procedure Act to the extent that you mentioned. However, at the point of enforcement, then, if there were an enforcement conference in the hearing board and then eventually a court action, there is provision for acceptance of new evidence by the court. So in effect you would have a trial de novo at that stage. But we are not suggesting that you should have a full-scale trial de novo at the initial stage of review under the Administrative Procedure Act at the time when the standards are set.

Mr. DORN. Go ahead, General.

General DECKER. It has been repeatedly asserted by some close to the development of the pending legislation that there is no intent to extend Federal enforcement jurisdiction by the standards proposal. Assistant Secretary Quigley emphasized in the recent Senate hearings "that there is not something sacrosanct about these standards, that in the normal, ordinary procedures for implementing and applying them, to wit, the conference or the hearing or the court review under the enforcement section, the reasonableness and the soundness of applying these standards to a given situation can be questioned and reviewed." It would seem to make sense that the "practicability of complying with" standards set by the Secretary or by others should be subject to consideration at the enforcement conference as well as by the hearing board and the court. Moreover, it is believed that the "reasonableness" of the standards under the given circumstances would be a fairer and more readily understood yardstick than "practicability of complying" and that the provisions relating to the enforcement conference, hearing board, and the court should be conformed to this concept. Language having this purpose is given in part F of the exhibit.

Insertion of one word, "specific," as indicated in part A of the exhibit, would make it plain that the Congress wants separate sets of standards as may be appropriate for particular bodies of water, and not a single set of uniform water quality standards to be applied nationwide.

A short addition—part F—would give proper emphasis to economic as well as social factors in the Secretary's consideration of standards.

The Delaware River Basin Commission's witness pointed out in the Senate hearings that a contradictory situation exists where a Federal agency is vested with the power to upset a judgment on water quality standards developed under a compact to which the Federal Government is a party. We agree and would endorse his proposed amendment

to except waters covered under such compacts from the Secretary's standards-setting authority. See part C of the exhibit.

Having discussed some of the improvements that might be made in regard to the proposal for Federal standards, let us now go to the fundamental question of whether such authority is necessary or desirable.

Under sections 2 and 4 of the Federal Water Pollution Control Act, the Secretary already has authority to develop comprehensive pollution control programs, to conduct research and studies relating to the prevention of water pollution, and to conduct investigations to find solutions to specific community problems, including development and publication of standards where appropriate. Such activities need not wait on occurrence of pollution, and any standards arrived at through such Federal participation surely could logically serve to trigger an enforcement conference if they were not being respected. In addition, the conference and hearing board proceedings can be used to arrive at water quality standards which not only deal with existing pollution, but also preclude future pollution of the body of water in question.

Many State, interstate, and local jurisdictions now have adopted water quality standards or have taken the alternate approach of stream classification. Although H.R. 3988 and other bills would require the Secretary to consider such adopted standards, it is obviously intended that the Secretary's views shall ultimately prevail in the event of a difference of opinion. What municipality or business firm would, under these circumstances, place any further reliance on negotiating with State agencies about future plans or even remedial programs currently in view, knowing that the signals might be radically changed in the indefinite future? Thus the Secretary would suddenly have thrust upon him the responsibility for zoning virtually all of the significant waters of the Nation; most intrastate water bodies are tributaries of interstate streams, and would therefore be affected. Not only would this be an awesome task, but considering the indirect control that would be exercised over such resources closely related to water use, it seems highly questionable whether there should be such a concentration of far-reaching authority.

Accordingly, it is our firm opinion that section 5 of the pending bills is neither necessary nor desirable, and we strongly urge that it be deleted.

Mr. CRAMER. Mr. Chairman.

Mr. DORN. Mr. Cramer.

Mr. CRAMER. I think you have pinpointed what I have been trying to bring out now all during these hearings, this year and last, on page 8, very effectively, and I think factually and clearly, when you say:

The Secretary would suddenly have thrust upon him the responsibility for zoning virtually all of the significant waters of the Nation.

To me, this is the crux of the problem of the Federal Government trying to fix standards. It is amazing to me the lack of concern over the assumption of this terrifically broad, general power, never before assumed by the Federal Government, under the guise of setting standards for water, and I think you made a very fine contribution in pointing this out as clearly as you have.

This would have the effect, would it not, then, of setting the standards? As you suggest, the States, the industries, and otherwise, are

going to look to the ultimate authority, the Federal Government, so they would be going to the Federal Government in asking for permission to locate factories or businesses along all streams of the Nation. Is that not going to be the ultimate result?

General DECKER. I would add to what you have said, Mr. Cramer, that unless there is some way of determining ahead of time what the standards are going to be, how they are going to affect a business, this business would be very unwise to locate subject to some subsequent decision that might put them out of business.

So I think that we would suggest that whoever sets the standards, we ought to know what they are ahead of time so that we can do something about it.

We feel that this is a matter that would be a terrifically expensive thing for the Federal Government to undertake. It would require great sums of money and great numbers of people to do it. I think this is something that can be done much better on a decentralized basis with such assistance as the Federal Government can give to the State or the regional bodies.

Mr. CRAMER. In other words, if you fix these standards on these respective streams on a national basis, then each new industry is going to have to make application to the State and then to the Federal Government relating to whether their operations would be consistent with the standards fixed. Is that not correct? The results would be in each instance the Federal Government has got to review the type of businesses—this is prospectively would it pollute. It has to review every business, decide, because of its operation, whether it would pollute, and the extent of it if any. That is going to require a tremendous work force; is it not? Tremendous investigative force?

General DECKER. I think so.

Mr. CRAMER. A tremendous decisionmaking group? Going into every community where you have land bordering waters subject to the jurisdiction of this act.

I can see endless Federal bureaucracy developing here, perhaps unrealized that this will be the result by many people.

The second question I have is, as it is drafted, Who is going to decide what watershed area should be included in a given study or a given area set by the Secretary?

General DECKER. I do not believe that you can set a common standard for the entire reach of a stream or body of water. I think that various parts of that stream have got to be judged in the light of the purposes of that stream, that particular part of the stream. These standards are not going to be uniform for an entire stream. For instance, one part of the Mississippi River might have one standard and another part might have quite a different standard, depending on the uses for it. So this is going to require a great deal of analysis of a great many people.

Mr. CRAMER. Yes. The point I am making is it has section C(1), following 2, 3, 4, and so on, setting these standards. I do not see anywhere defined any guidelines for the Secretary in deciding what areas, for instance, should be included in a given standard-setting procedure. He could take a three- or four-State area and decide that was the area to be considered.

General DECKER. It would seem to me the Secretary was given a completely free hand in this. I know of no guidelines on which he can base his decisions except those he establishes himself.

(At this point, Mr. Blatnik resumed the chair.)

Mr. CRAMER. Or he could take a three- or four-State area or take a partial State area, or he could take a given river, from one end of the Mississippi River, starting north, and go all the way down to the Gulf of Mexico. There are no definitions of any kind as to what area should be included in setting hearings and trying to set standards?

General DECKER. None that I know of.

Mr. CRAMER. It seems to me it would be an awfully open blank check for him to do just exactly what he wants to do regardless of what the States may think about it in this setting of standards.

Do you agree with that point of view?

General DECKER. It seems to me that there are no restrictions on the Secretary's authority to set the standards.

Our association and its members have worked over a long period for a more effective Federal-State partnership in the control of pollution and in planning for use of the Nation's water resources. We have supported the Ohio River Valley Water Sanitation Commission, the Delaware River Basin compact, and other joint State-Federal efforts to get at the water problem. During consideration of the Blatnik bill to amend the Water Pollution Control Act in 1961, and consideration of S. 649 and related bills in the 88th Congress, we strongly supported the partnership concept and sought to make constructive suggestions to strengthen that approach. A few days ago we wrote the appropriate committees of the House and the Senate expressing our support for the Water Resources Planning Act, introduced in the House as H.R. 1111 and in the Senate as S. 21. We suggested that the bills be strengthened by extending the partnership beyond the planning stage into the implementation of river basin plans.

River basin planning is an obvious need for the future, and it would seem best to have water quality consideration clearly integrated with other aspects of water resources development.

H.R. 3988 incorporates, beginning at page 9, line 20, language granting the Secretary subpoena power covering matters under investigation. It is not clear whether this power is intended to apply only to the hearing board proceedings, or to informal conferences, or whether it could be used in collecting information on which to base standards. A subpoena appears poorly suited for use in connection with informal proceedings such as the conferences. If discovery powers are needed, we would urge consideration of section 5(i) of the Clean Air Act, which authorizes the Secretary to require the filing of reports in connection with enforcement conferences. This provision was carefully worked out in 1963 to provide adequate powers, and at the same time contains proper safeguards for proprietary information and a requirement of confidential treatment of information collected. Suggested language for amending H.R. 3988 is given in part G of the exhibit.

One provision of S. 4 added on the Senate floor requires mention. The patent provision beginning on page 5 at line 9 and extending to page 6, line 20, seems to us to be unwarranted. The complex and

difficult questions which it attempts to treat were dealt with in the statement on Government patent policy, which was promulgated by the President in his memorandum of October 10, 1963, for the guidance of executive departments and agencies, and the Senate provision is at cross purposes with that policy. We urge that this provision be deleted, and that the matter of patent rights be given separate careful consideration in connection with legislation already introduced for that purpose.

Concerning section 2 of the pending bills, we can understand the motive of those who would give the water pollution control program greater prominence in the Department of HEW so that its status will reflect the importance justly attached to it. We feel, however, that the Secretary would be better equipped to deal with the changing needs of the program if he were allowed to retain flexibility in the organization of his Department, rather than have it fixed by statute.

In previous testimony before your committee and before the Jones subcommittee of the House Committee on Government Operations, we have referred to the unfortunate tendency of the enforcement conferences held pursuant to section 8 of the act to become highly formalized hearings, or even adversary proceedings in which State and Federal authorities appear as antagonists. In framing the Clean Air Act in 1963, language was included to require a consultation prior to the conference to minimize such antagonism. If this proceeding is regarded as lengthening unduly the enforcement process, we would suggest that Congress at least require a return to its original intent concerning the conference by the provision detailed in part E of the exhibit.

We believe that the adoption of this clarification would do much to foster cooperative participation, which should be earnestly sought in the first stage of the enforcement proceeding.

We come then, finally, to those provisions of these bills which we support. There appears to be real need for an additional Assistant Secretary in the Department of Health, Education, and Welfare to shoulder the increasing burdens involved in water quality control matters. We favor research for alternate methods of coping with the problem of storm overflows from combined storm and sanitary sewers, since estimates are that \$30 billion or more might be required for their complete separation. We are also sympathetic to the raising of the limits on grants for construction, and to the encouragement of metropolitan or regional planning.

Thank you very much, Mr. Chairman, for this opportunity to present these views to the committee. We shall be pleased to answer your questions or to expand on our suggestions, either now or at some later time.

Mr. BLATNIK. General, I am sorry I missed the first part of your testimony. I skimmed through parts of it and shall read it with special interest.

I want to say what I have heard now on the subpoena power is very sound. It is a very pertinent suggestion you make: very much so on your patent provision. You also have a lot of merit in your suggestion that the Water Pollution Control Administration be done by administrative authority rather than by statute.

Have you any comments on the nature of the conference procedure that you thought was a little too formalized in which the Federal representatives appeared more as adversaries? Because it was the intent certainly of the Chair, who was the author of the bill, that the conference be the procedure that you indicated.

Would you give us any instances or illustrations in which you have been involved or others you know of that have been involved?

General DECKER. There are none in which I have been personally involved, but there are some in which some of our member companies have been concerned.

I think the gentlemen with me have had personal experience in this field. I know of some by heresay, but I would rather they tell you from their own personal knowledge. I believe it will be more meaningful.

Mr. BLATNIK. Are you already identified.

Mr. CONNER. Yes.

General DECKER. Yes. This is Mr. Conner.

Mr. CONNER. Mr. Chairman, the most recent example I think is the conference on the Mahoning River, which just took place the early part of this week. It is our understanding that this was called under circumstances where the interstate commission, the Ohio River Sanitation Commission, and the State authorities involved were not notified in advance of the call. It was not done at their request, but rather on the motion of the Secretary. There was dissension between those bodies and the Secretary's people concerning the submission of data which these States already had in their files, and which they had an obligation of confidentiality by statute to observe.

All in all, it was far from a harmonious, informal conference of the type I am sure your committees had in mind when you first passed the statute. This, I am sorry to say, is not the exception but rather is becoming rather typical, in our experience at least, in recent years, in the administration of the conference section.

If you were able to take the material on page 5 of our exhibit, which spells out that the conference shall be informal and the conferees shall cooperate in framing the conclusions of the conference, and so on, we think this kind of a specific direction from the Congress to renew your original intent would be a very constructive move.

Mr. BLATNIK. I am very glad you called that to our attention.

Any other questions?

General, we thank you and your associates. We thank you very much.

General DECKER. Thank you, sir, for the privilege.

Mr. BLATNIK. Mr. James F. Wright, executive director, Delaware River Basin Commission.

Mr. Wright, we express our appreciation for your appearance and great admiration for your patience for waiting so long for your turn to come up.

STATEMENT OF JAMES F. WRIGHT, EXECUTIVE DIRECTOR, DELAWARE RIVER BASIN COMMISSION

Mr. WRIGHT. Thank you, Mr. Chairman.

Mr. BLATNIK. I am sorry but due to circumstances beyond our control yesterday, it has resulted in this pileup for today.

Mr. WRIGHT. Mr. Chairman and members of the committee, I would like to express the appreciation of the Commission for this opportunity to present our views on S. 4 and companion legislation, H.R. 3988.

The objectives of this Commission are in harmony with those the President set forth in his February 8 message to Congress on the subject of water pollution. We feel, indeed, that our statutory mandate contained in the Federal-interstate compact adopted September 27, 1961, anticipated for our basin the national concern now expressed in the subject legislation, and directed us to undertake therein the work now recognized as necessary for the Nation. Because of this, we feel it necessary to call to your attention a small but quite important reservation, and request an amendment that would eliminate a problem.

The subject of our reservation is the provision contained in section 5 of the bill that would empower the Secretary of Health, Education, and Welfare to set and enforce standards to control and abate pollution in interstate waters, including, of course, the Delaware River Basin.

Specifically, the Commission respectfully proposes that the legislation be amended so as to conform to the joint resolution of Congress approved September 27, 1961. By that joint resolution Congress directed that certain Federal interests in the water resources of the Delaware, including pollution control, be expressed through a commission especially created for that purpose. We believe that the following language added to the end of section 5(b) (6)—on page 9, line 4 of Senate 4—will satisfactorily conform it to the joint resolution of 1961. I quote:

, or (c) authorize the Secretary to promulgate or enforce standards without regard to the requirements of the joint resolution approved September 27, 1961 (75 Stat. 688) relating to the Delaware River Basin Compact.

The Commission, which is the multipurpose agency established under the Federal-Interstate Delaware River Basin Compact, would like to make five points in support of its request:

(1) The Commission already has full authority to set and enforce interstate stream standards in our basin to accomplish the same purposes as those envisioned in the proposed new Water Quality Act of 1965. Article 5 of the compact authorizes the Commission to make investigations and surveys, construct, operate and maintain projects to control pollution and abate or dilute existing pollution; authorizes classification and the setting of standards of the waters of the basin by the Commission; authorizes the Commission to require such treatment of sewage, industrial, or other waste as may be necessary to protect the public health or preserve the waters of the basin for uses in accordance with the comprehensive plan.

The Commission already has exercised its standard-setting powers by including, on an interim basis, in its comprehensive plan the zone classifications on the main stream which were formulated by the former Interstate Commission on the Delaware River Basin. They were included to provide a water quality framework pending further development. The Commission will consider on February 24 a proposed amendment to the comprehensive plan requiring minimum primary treatment of sewage throughout the basin, thus initiating regional controls over tributaries as well, and we have also brought the basin's ground waters under Commission protection by adding them to

the comprehensive plan and requiring standards for their protection.

(2) Establishment and enforcement of water quality standards should be the job of the same agency having responsibility for planning all aspects of pollution control and water quality management throughout the basin. The various parts of the job should not be "administratively scattered" among different agencies.

In elaboration of this point, a variety of techniques for dealing with the pollution problem are being studied as the Commission moves to shape a water quality management program for the whole Delaware. Timed discharges, flow augmentation, reaeration, subsurface and offsite disposal, and effluent charges are examples that could be used in various combinations. Water quality management conducted as a regional enterprise should not be limited to any single solution, but invites the use of a wide array of alternatives. Setting and enforcing water quality standards is a central focus of the whole effort and should be the responsibility of the same regional agency concerned with all aspects of the problem.

(3) To succeed in establishing and maintaining a comprehensive planning, development and management program for the four-State Delaware Basin, the Commission needs freedom to integrate its water quality activities with its work on other resource purposes, such as water supply, flood control, recreation and fish and wildlife enhancement.

In House Report 310 of the 1st session of the 87th Congress on the then-proposed Delaware Basin Compact legislation, the House Judiciary Committee said:

* * * There is a vital need to coordinate the various activities of the many departments of the State and Federal levels if all of the various alternative demands upon the one river are to be reconciled, planned efficiently, and operated without conflict * * *. A single basin agency is the obvious answer since the basin area is universally recognized as the proper unit for water resources administration.

(4) The interest and jurisdiction of the Federal Government with regard to water pollution control in the Delaware Basin already have been firmly established by the Congress through enactment of the Federal-Interstate Delaware River Basin Compact.

I might add, in amending or adding to the comprehensive plan, affirmative action by the Federal member makes it binding on all Federal agencies and such plan is the controlling frame of reference for development of all water resource projects, public and private.

(5) The effectiveness of the Commission to carry out its pollution control program would be handicapped by the creation of concurrent and duplicatory Federal standard-setting authority.

On this last point, I submit that the pendency of intervention by another Federal agency puts the authority and effectiveness of Commission standard-setting in an ambiguous position. We are deeply concerned that it could foster delays in complying with Commission proposals and encourage polluters to play both ends against the middle. This would vitiate the intent of a most important portion of our compact.

For the reasons that I have above stated, we feel that the amendment we seek will avoid the potentially contradictory situation that might arise in having one Federal agency vested with the power to upset a judgment developed by another agency in which a Federal

commissioner participates. We feel that the amendment will insure consistency with the joint resolution of Congress of September 27, 1961, and will promote effective Federal-State cooperation in full and willing partnership.

Mr. BLATNIK. Thank you, Mr. Wright.

Any questions?

Thank you, sir.

Mr. David L. Gallagher, chairman, Air and Water Resources Subcommittee, National Association of Manufacturers.

STATEMENT OF DAVID L. GALLAGHER, CHAIRMAN, AIR AND WATER RESOURCES, NATIONAL ASSOCIATION OF MANUFACTURERS; ACCOMPANIED BY DANIEL W. CANNON

Mr. GALLAGHER. Mr. Chairman, I want to thank you for the opportunity of appearing here and for your patience on a long day.

Mr. BLATNIK. Mr. Gallagher, we thank you for appearing and for your patience in bearing with us in order that you may present your testimony on this long day.

Mr. GALLAGHER. Thank you.

If I may have your permission, I would like to file my complete testimony.

Mr. BLATNIK. We appreciate that and, without objection, it is so ordered.

(The prepared statement of Mr. Gallagher follows:)

TESTIMONY OF DAVID L. GALLAGHER, CHAIRMAN, AIR AND WATER RESOURCES SUBCOMMITTEE, CONSERVATION AND MANAGEMENT OF NATURAL RESOURCES COMMITTEE, NATIONAL ASSOCIATION OF MANUFACTURERS

My name is David L. Gallagher. I am chairman of the Air and Water Resources Subcommittee of the Conservation and Management of Natural Resources Committee of the National Association of Manufacturers, a voluntary association of business enterprises producing approximately 75 percent of the Nation's industrial output.

My background includes active roles in the Water Pollution Control Federation, the American Water Works Association, and the Water and Wastewater Equipment Manufacturers Association. I am actively engaged in the water supply and water pollution control field as marketing manager—public works, Worthington Corp., Harrison, N.J.

THE "WATER IN INDUSTRY" REPORT

Water pollution control matters are handled within the National Association of Manufacturers by our conservation and management of natural resources committee and its air and water resources subcommittee, of which I am chairman. A major project of the conservation committee has been a national survey and report on industrial water use. The report, entitled "Water in Industry," was published on February 4, 1965. It reveals that industry has invested more than \$1 billion in water pollution control equipment and is planning to invest much more. It also reveals that industry is spending more than \$100 million each year to operate such equipment. In addition, it brings out the fact that industry spends very substantial amounts in process designs and installations which reduce pollution loads greatly but do not get counted as water pollution control expenditures. We believe that this report demonstrates conclusively the sincere interest of industry in minimizing water pollution. The cost of carrying out the survey, which was sponsored by the National Association of Manufacturers and the Chamber of Commerce of the United States in cooperation with the National Technical Task Committee on Industrial Wastes and carried out by more than 20 industry trade associations, is estimated as being in excess of \$500,000.

The report is arranged so as to make it useful for every citizen interested in water. Section A contains an explanation of the complexities of water in popular language readily understandable to young students and experienced technicians alike. Section B discusses the results of the survey and is somewhat more technical. Section C contains the individual industry reports and is valuable to researchers.

Mr. Chairman, I respectfully submit for the files of the committee a copy of "Water in Industry."

A MISTAKE TO TAKE THE PROGRAM FROM THE PUBLIC HEALTH SERVICE

We believe that it would be a mistake to take most of the water pollution program away from the Public Health Service. Over the years, the Public Health Service has built up technical competence and sound working relationships in this field with the States and with industry. When this distinguished committee of the House of Representatives held hearings on this proposal in late 1963 and early 1964, 24 States expressed themselves in opposition to the creation of a Federal Water Pollution Control Administration; whereas no State wholeheartedly endorsed this proposal.

Nevertheless, on September 4, 1964, the committee reported a bill containing such a provision. The rationale stated in the committee report was as follows:

"The committee accepted the assurances presented to it by the Department of Health, Education, and Welfare that a suitable organizational level would be provided for the water pollution control program as a consequence of its increased responsibility provided by the 1961 amendments to the act (Public Law 87-88m, approved July 20, 1961). This was not implemented, however, in a satisfactory manner."

Despite this statement, the program was considerably upgraded subsequent to the 1961 amendments. Responsibility for the program was placed in the hands of a specific Assistant Secretary of Health, Education, and Welfare, James M. Quigley. The Chief of the Water Supply and Water Pollution Control Division, Gordon McCallum, was elevated to the status of Assistant Surgeon General, equivalent to the rank of a major general in the Army. The Chief Enforcement Officer, Murray Stein, functions directly under Assistant Secretary Quigley, who in turn reports directly to Secretary Anthony J. Celebrezze.

We are unable to see what it is that these estimable gentleman could do with a new agency that they can't do now. They are generally regarded as intelligent and aggressive, carrying out vigorous programs in all the various aspects of water pollution control. The proposal to create a new agency would appear to be a repudiation of their records, which we do not believe is justified.

In the report of the Senate Public Works Committee on S. 4, January 27, 1965, it is stated that " * * * the administration of the water pollution control program should not be subordinated to considerations which are important to the Public Health Service but are not directly related to the sound application of this act." This appears to be a very obscure reason since it is not made clear just what these specific considerations are "which are important to the Public Health Service but are not directly related to the sound application of this act."

The Senate committee report on S. 4 also states as follows:

"In the field of water pollution the Public Health Service has made a major contribution to our understanding of the nature of water pollution, its effect on individuals, and appropriate measures of pollution control. The basic orientation of the Public Health Service, however, is toward cooperative health programs with the States."

After having made "a major contribution to our understanding of the nature of water pollution, its effect on individuals, and appropriate measures of pollution control," the Public Health Service would be poorly rewarded by having the program taken away from it.

Public health is far and away the overriding consideration in water pollution control. Ask any member of the public. The public has confidence in the Public Health Service. Over the decades of this century, many infectious diseases have been virtually stamped out and the longevity of the people has been amazingly extended. The credit for this must go to the medical profession, private pharmaceutical firms, research scientists, and State health departments working cooperatively with the Public Health Service. Fragmentation of water pollution control away from other public health programs could cause irreparable harm in terms of both public confidence and well-established work-

ing relationships. One is inevitably led to the conclusion that such a move would be widely regarded as a repudiation of the record of the Public Health Service.

Another harm to the public interest would arise by virtue of the fact that this move would set up another Federal agency to compete for the limited number of sanitary engineers and other professional, scientific, and technical personnel in this field. Departments and agencies of the various States are having difficulty maintaining their staffs of sanitary engineers. It appears that students are not enthusiastic about entering this field. Those who do frequently find service with the Federal Government more attractive than with the State governments. This should dictate the utmost efficiency in Federal utilization of sanitary engineers and related scientific and technical personnel in this field. Creation of a new agency which would artificially increase the Federal demand for such personnel would not be efficient. It would be more efficient to concentrate all related skills in one agency rather than break them up into separate groups.

On the issue of creating a new agency, the Maryland State Department of Health submitted a statement to this committee on February 4, 1964, as follows:

"Maryland is opposed to S. 649, in particular, section 2, establishing a Federal Water Pollution Control Administration in the Department of Health, Education, and Welfare, and section 5, authorizing the Secretary of Health, Education, and Welfare to establish and enforce standards of water quality applicable to interstate waters or portions thereof. Such expression has been made by the Honorable J. Millard Tawes, Governor of Maryland, and is endorsed without reservation by the two Maryland regulatory agencies, the State department of health and the water pollution control commission."

The Minnesota Public Health Association composed of over 600 public health workers in Minnesota wrote to Representative John A. Blatnik on December 5, 1963, as follows:

"The most important concern for the use of water is the protection of public health. It is essential that Federal, State, and local agencies exercise primary responsibility for the control of water quality and water management as it affects the health and well-being of the people. In the discharge of this duty, health agencies must cooperate and work very closely with all others interested in the various aspects of water use and management.

"In realization of these essential requisites, the Minnesota Public Health Association is opposed to current legislative proposals to remove the water pollution control program from the Public Health Service.

"The Minnesota Public Health Association strongly supports a strengthened and unified water quality, management, and pollution control program at a higher organizational level *within the Public Health Service* in order to assure the organizational effectiveness this important program deserves." [Emphasis supplied.]

The views of Alabama, Illinois, Texas, Pennsylvania, Oklahoma, South Carolina, North Carolina, Tennessee, New York, New Jersey, Florida, Arkansas, Connecticut, Kansas, Maine, Mississippi, Nebraska, Oregon, Rhode Island, South Dakota, Utah, Wisconsin, and Washington—all opposing the removal of the water pollution control program from the Public Health Service—are set forth in the appendix of this testimony.

We respectfully urge this distinguished committee to heed this remarkable unanimity of opinion on the part of 24 States from Maryland to Oregon and from Maine to Texas, and delete from the bill section 2 which would create a new, unnecessary Federal agency.

A THREAT TO THE PARTNERSHIP APPROACH

We note that H.R. 3988 proposes to add the following provision to redesignated section 10 of this act:

"For the purposes of this section, the Secretary or his designee shall have power to administer oaths and to compel the presence and testimony of witnesses and the production of any evidence that relates to any matter under investigation under this section, by the issuance of subpoenas. Witnesses so subpoenaed shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States. In case of contumacy by, or refusal to obey a subpoena duly served upon, any person, any district court of the United States for the judicial district in which such person charged with contumacy or refusal to obey is found or resides or transacts business, upon application by the Secre-

tary or the Attorney General, shall have jurisdiction to issue an order requiring such person to appear and give testimony, or to appear and produce evidence, or both. Any failure to obey such order of the court may be punished by the court as contempt thereof."

It seems obvious that a provision such as this would change the entire approach and character of the proceedings under the act. At present, the first step in the enforcement procedure is a "conference" which indicates an intention that it be an informal proceeding in which all parties are on an equal level participating in a cooperative inquiry. The new provision would change the "conference" into a highly formal hearing of an extremely adverse nature, and would subjugate State and municipal government officials into a position of inferiority rather than a partnership position. The designee of the Secretary would become the absolute boss of the proceeding, which would no longer be a true "conference." We believe this provision is contrary to the policy and philosophy expressed in the act as to the primary responsibility of the State and local governments, and we respectfully urge the committee not to approve this provision.

MANDATORY FEDERAL STREAM QUALITY STANDARDS

We also note that, in the previous hearings before this committee, a very substantial number of States expressed opposition to section 5 which calls for mandatory Federal stream quality standards to be set by the Secretary of Health, Education, and Welfare, and we heartily concur in this position.

Section 5 could well be the first big step toward the end of water pollution control regulation by the States. It is completely contrary to the statement continued in section 1 of the act that "it is declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution." Section 5 could lead to a complete Federal preemption of the field of water pollution control regulation which could render null and void all State regulation of the subject matter. It could superimpose Federal policy over virtually all the water pollution control programs of the States and their duly constituted agencies.

Under section 5, the Secretary would be authorized to promulgate standards whenever the appropriate States and interstate agencies have not developed standards "found by the Secretary" to be consistent with paragraph (3). Obviously, the Secretary would appear to have an unreviewable discretion in deciding whether or not the State standards were "consistent." The decision as to this would rest solely within himself. Thus, a Federal judgment could be exercised in every instance. The result could only be chaos and confusion. There will be no incentive to comply with State requirements if there is continuing uncertainty about the Federal Government stepping in and imposing new and different requirements. Such a chaotic condition will be the biggest possible deterrent to progressive action in the water pollution control field.

In the first instance, what is a standard? Is it a number of some sort or is it a sentence or paragraph of words? It would seem that section 5 could start many endless controversies.

Many States have rejected the standard-setting approach in favor of a case-by-case approach. They should not be forced into adopting an approach they do not believe is desirable. In many respects, the function of water pollution control regulation is to achieve an equitable apportionment of the burden of maintaining reasonable stream quality. Clearly, this is a function which should be performed by the States according to the policy of the States or the compacting States. It would appear to be impractical and unworkable to have such a function performed by the National Government.

When the power to issue regulations is lodged in the Central Government, the inevitable tendency is to formulate uniform, nationwide rules. This is probably the only practical way for the Administrator to try to administer regulations throughout such a large and diverse country. Such a result would be particularly unfortunate in the water pollution control field, because it would fail to recognize the variabilities within and among river basins. Inevitably, the results would be harsh and unjust in some situations and perhaps too lax in others. The only alternative would be to formulate different regulations for each local situation throughout the country, and this would entail a voluminous bulk of regulations which would take years to evolve properly.

It is argued that Federal standards would introduce an element of equality in the competition for industry among the States, and it is claimed that industry will tend to move from "high standard" States to "low standard" States. How-

ever, Federal standards could introduce severe inequalities among the States. The same standard applied to all the States could deny further industrial development to States having difficulty in meeting the standard and greatly stimulate industrial development in other States having no difficulty in meeting the standard. Thus, Federal standards could introduce some severe inequities. It is clear that the power to set stream quality standards can have a great influence on economic growth, and this is a function which should be left to the States.

More than 40 States, including the most populous and most highly industrialized, require the filing of detailed plans for treatment of wastewater and the issuance of a permit before new industrial plants may be constructed, and before revisions or extensions to existing manufacturing processes or waste treatment facilities may be made. Consequently, for effective and realistic results in water pollution control, it would be far better to leave the actual formulation of regulations to the States.

THE PRESENT PATTERN OF PROGRESS

Tremendous progress is being made in water pollution control; this negates the need for any new Federal agency or for mandatory Federal stream quality standards. One need only turn to the 1964 Annual Report of the Ohio River Valley Water Sanitation Commission, commonly known as ORSANCO, an eight-State interstate compact agency. Under the compact, approved by the Congress, the States of Illinois, Indiana, Kentucky, New York, Pennsylvania, Virginia, West Virginia, and Ohio are pledged "faithfully to cooperate in the control of future pollution in, and the abatement of existing pollution from the waters of the Ohio River Valley." It is extremely significant to note that industry cooperates with ORSANCO through six ORSANCO committees—the chemical industry committee, the coal industry advisory committee, the metal-finishing industry action committee, the petroleum industry committee, the pulp and paper industry committee, and the steel industry action committee.

On page 2 of its 1964 annual report, ORSANCO states:

"Today, 99 percent of the sewage emanating from communities along the 1,000 miles of the Ohio River is piped into purification plants. Sixteen years ago all of the effluvia were poured untreated into the river. * * *

"Matching this progress in cleanup efforts on the main stem of the river has been the installation of sewage-treatment facilities on tributaries of the Ohio. Throughout the entire drainage district there are now more than 1,300 communities, with a total population of 10,700,000, provided with purification plants. What this means is that 94 out of every hundred persons connected to a sewer system in the Ohio Valley has made an investment in pollution abatement. How much? The total is about \$1 billion—averaging \$100 for every man, woman and, child.

"Another goal of this regionally coordinated crusade for clean streams initiated in 1948 by eight States has been the curbing of industrial-waste pollution. There are more than 1,700 industrial establishments whose effluents are discharged directly into streams of the Ohio Valley district. Today, 90 percent are recorded as complying at least with minimum interstate requirements, and some are rated as doing even better."

This remarkable record of progress completely and conclusively refutes any claim of need for a new Federal agency or for mandatory Federal stream quality standards. Such experimentations with the regulatory process could only interfere with progress and not contribute to it; therefore, we respectfully urge this distinguished Committee on Public Works of the House of Representatives to reject them.

TESTIMONY ON BEHALF OF NATIONAL ASSOCIATION OF MANUFACTURERS, FEBRUARY 19, 1965

APPENDIX

The Alabama Water Improvement Commission testified before this committee on December 10, 1963, as follows:

"We recommend that the Congress upgrade the status of the Federal water pollution control program within the framework of the Public Health Service rather than pass legislation which could result in the removal of this agency from the water pollution control efforts of the Nation.

"The provisions of S. 649 which authorize Federal standards of water quality are not in the interests of Alabama and, in our opinion, not consistent with the policy of the Congress to preserve and protect the primary responsibilities and rights of States in controlling water pollution. We, therefore, recommend that power to establish standards of water quality not be granted to the Federal Government.

"The granting of authority to the Secretary of Health, Education, and Welfare to institute enforcement proceedings on his own initiative to abate pollution of interstate or navigable waters which prevents the marketing of shellfish in interstate commerce would have far-reaching effects.

"It would further dilute State control over matters of local concern and represents a new approach to the control of water pollution by introducing interstate commerce as a factor.

"Health protection is the principal responsibility of water pollution control and public health agencies, and, under no conditions, should be made secondary to the economic interests of a specific industry.

"There are areas in Alabama where shellfish can be produced but which cannot be approved for the harvesting of shellfish for sale under standards established for health protection.

"These areas are those within the immediate vicinity of discharges from highly efficient sewage treatment plants and those receiving surface drainage from heavily populated regions.

"It has been demonstrated in our State through comprehensive and long-term laboratory studies that floodwaters alone carry a bacteria load derived from surface runoff which is in excess of the permissible limit for harvesting shellfish.

"Under the provisions of S. 649, the Secretary could initiate enforcement proceedings in situations as I have described although every effort to control pollution from manmade sources has been exerted. We oppose these provisions for this reason and because they are not, in our opinion, in agreement with the expressed intent of this Congress."

The Illinois Department of Public Health and the Illinois Sanitary Water Board testified before this committee on December 11, 1963, as follows:

"We do not have time for administrative experiment. The administration of the Federal Pollution Control Act should, in my opinion, remain where it is—in the Public Health Service in the Department of Health, Education, and Welfare. Based upon the Illinois experience, the staff of the Public Health Service is competent, dedicated, and aggressive in pursuing an unbiased and sound approach to the problem of water pollution control. I feel that an unbiased and thorough appraisal of the facts and results will attest to this statement indicating that a change in administration of the water pollution control activity is not warranted or desirable. To paraphrase the saying of one of Illinois' most illustrious citizens, 'Facts do not warrant swapping horses in the middle of this stream.' I emphasize the reuse of water. It is my belief that all interests in the use and reuse of water can be merged in an authority where Public Health plays a major role. Public Health must play a dominant role in any national program of water quality management."

Texas stated:

"Since the beginning of the current Federal water pollution control law in 1956, administration of the program has been competently carried out by the U.S. Public Health Service, and Texas has always enjoyed excellent working relationships with that agency. It is difficult to rationalize, therefore, the advantage which might be gained by any such drastic change in administration as authorized in S. 649.

"The Texas Water Pollution Control Board is seriously concerned about and is opposed to the proposal in S. 649 which would authorize the Federal Government to establish standards of water quality. This is a matter depending entirely upon State and regional circumstances and is, therefore, basically a function of State and regional agencies."

Pennsylvania stated:

"Pennsylvania's Sanitary Water Board has been dealing with problems in the water pollution control field since 1923. We have the oldest State water pollution control agency in the country and have, I believe, a good record of accomplishments in conserving and improving the quality of the water resources in our Commonwealth.

"We have been working with the Public Health Service since the beginning of our water pollution control work. The Public Health Service has a most competent technical and scientific staff.

"In addition to the operating personnel in the water pollution control program, there are many other employees of the Public Health Service whose talents in fields such as radiation, aquatic biology, toxicology, water supply, bacteriology, and virology are utilized in this important endeavor.

"If the program was transferred to a separate agency, there would be a significant loss in the effective communication which exists among scientific people who work shoulder to shoulder in the same agency."

Oklahoma stated:

"* * * the existing administrative arrangement is operating satisfactorily in Oklahoma. Any change at this time could be detrimental to the program. Accordingly, it is my recommendation that the proposed administrative change as indicated in section 2 be deleted."

South Carolina stated:

"South Carolina over a long period of time has enjoyed a highly satisfactory relationship with the U.S. Public Health Service in all matters dealing with appropriate utilization of natural resources contributing to the health and welfare of the citizens of this State. We would like to see this relationship maintained and strengthened. Water resources of this State are of vital significance in the preservation of a healthful environment and will continue to be of primary importance in the field of public health. Because we feel that the removal of the water pollution control program from the U.S. Public Health Service would deprive this Health Service of competent personnel, research, and investigational facilities, which if duplicated will cost the Government additional millions of dollars, and because of the Public Health Service's understanding of this problem and its impact as it affects the economy of the States, we wish to ask your consideration of the advisability of including a statement in this bill, S. 649, naming the U.S. Public Health Service as the agency of the U.S. Department of Health, Education, and Welfare in which the Federal Water Pollution Control Administration will be organized."

North Carolina stated:

"We are opposed to section 2 of S. 649 which, if enacted, will establish within the Department of Health, Education, and Welfare a separate administration charged with the responsibility of carrying out the national water pollution control program. It has been our observation that the program as now conducted has proven quite effective, and we believe a change at this time would be harmful rather than beneficial. The protection of health is and will continue to be one of the primary objectives of water pollution control.

"It is, accordingly, vitally associated with public health and is an essential part of the environmental health concept within the Public Health Service. In our judgment, the removal of the program from the Public Health Service would lose to the program many technical personnel of exceptional qualifications and would disrupt desirable working relationships which have been developed between the Public Health Service and the various State water pollution control agencies.

"In view of this, and since it would appear undesirable for the Congress to take from the Secretary the right to organize and control the various programs within the Department, we cannot see the wisdom of establishing by legislative act a separate Water Pollution Control Administration as provided for in section 2 of the bill. We suggest, therefore, that the administration of the program be continued within the Public Health Service and that its status within the organization be elevated to reflect its important role in the preservation of the Nation's water resources."

Tennessee stated:

"We do not believe anything will be accomplished by changing the administrative organization within the Health, Education, and Welfare Department. It appears that the present law gives the Secretary sufficient authority to reorganize or elevate the program within present organizations structures. There has not been sufficient time to find out the effectiveness of the present law. A new Water Pollution Control Administration is not needed or desired."

New York stated:

"Resolved, that the New York State Resources Commission strongly urges that Federal administration of water pollution control programs remain within the U.S. Public Health Service because of its competence in this realm of

activity; because of its established cooperative working relationships with State and interstate agencies; and because comprehensive water pollution control programs cannot be separated from day-to-day operations, research, training, and related activities in environmental health."

New Jersey stated:

"The national problems in water pollution control are formidable and are increasing. It would appear that no real purpose could be served by abandoning the effective program already in progress under the Public Health Service in favor of a new agency not oriented to public health and not equipped with the needed medical, engineering, and biological skills and not having such experience and established relationships.

"We agree with the statement of the American Public Health Association which strongly supports a strengthened and unified water quality management and pollution control program at a higher organizational level within the Public Health Service in order to assure the organizational effectiveness this important program deserves.

"The New Jersey State Department of Health, therefore, opposes the current proposal in S. 649 to remove the water pollution control program from the Public Health Service."

Florida stated:

"Using the Senate bill as passed, we would like to state that we do not look with favor on section 2, the setting up of an administrator under the Secretary of Health, Education, and Welfare. We cannot see any advantages in this type of organizational program and perhaps there are some disadvantages.

"This would be a new and unknown setup with the States since we State employees in the field of water pollution control have had, and still maintain, excellent Federal and State relations with the U.S. Public Health Service."

Arkansas stated:

"Although the commission agrees that the status of water pollution control activities of the Federal Government should be elevated within the administrative framework it definitely feels that the proposed change of administration is highly undesirable. The technical and professional competence exhibited by U.S. Public Health in the field of water pollution control is unimpeachable. It is suggested that, as an alternative measure, the Presidential Advisory Board be so constituted as to be representative of all water using interests and given policymaking powers. It is felt that such administrative control will eliminate much of the unjust criticism which has been leveled at the Public Health Service."

Connecticut stated:

"It would be a serious mistake to approve that portion of S. 649 to transfer responsibility for water pollution control out of the Public Health Service and place it under a new agency to be created within the Department of Health, Education, and Welfare.

"In many ways we in the Connecticut State Department of Health have worked closely with the Public Health Service in water pollution control for many years.

"The Public Health Service has demonstrated a high level of efficiency in improving water pollution control within the limitations of funds and authorization provided. The Public Health Service has a strong concern for public health problems and in addition for recreational use of our rivers.

"I hope, therefore, that you will urge that the bill be amended to keep responsibility for water pollution control within the Public Health Service."

Kansas stated:

"The establishment of a new agency would eliminate the long history of successful working relationship of the U.S. Public Health Service with State, interstate, and local agencies.

"In turn, water pollution abatement could be adversely affected."

Maine stated:

"First of all this commission is strongly of the opinion that the administration of the Federal water pollution control program should remain with the Public Health Service. This agency is now doing an excellent job in conducting the program and it is difficult to see how an agency taking over from them could accelerate the program at all, particularly in view of organization and staffing difficulties which would follow.

"It is inconceivable that the two agencies involved (USPHS plus the proposed Water Pollution Control Administration) could operate with technical personnel

even comparable in number to those who could be released to the new agency by the Public Health Service. A serious drain on all available sources would thus be created as far as this very critical category of manpower is concerned and would deal a damaging blow to State agencies, whose role in the direct and immediate activity of pollution control is indispensable. A number of years would also be required to bring such a staff to an effective level, and in the meantime the State-Federal program would suffer.

Another reason for continuing this program under U.S. Public Health Service jurisdiction is the fact that pollution control is traditionally associated with the problems of public and environmental health and this commission feels that this association should not be severed and cannot be severed if the problems of water pollution are to remain in proper perspective."

Mississippi stated:

"We at the Mississippi State Board of Health strongly urge continuity in the present water pollution control assistance program without change because in our opinion shifting of the water pollution control responsibility of the Federal level to a new agency would likely seriously retard the present progress being made."

Nebraska stated:

"The board is opposed to the proposal that a new administrative office be established at the Federal level for the administration of the water pollution control program. The board believes that the program should remain with the Public Health Service, so that the splendid cooperation between Federal and State officials which has resulted in remarkable progress in this field would be allowed to continue without interruption."

Oregon stated:

"We believe that these and many other activities and accomplishments in Oregon and elsewhere indicate that the Public Health Service is doing a commendable job in carrying out provisions of the Federal Water Pollution Control Act. The transfer of responsibilities to a new and separate administration at this time could very well hinder rather than improve the program."

Rhode Island stated:

"Section 1(b) and section 2 of S. 649 provide for the establishment of a Water Pollution Control Administration under the Secretary of the Department of Health, Education, and Welfare to administer the Federal water pollution program, taking this responsibility away from the U.S. Public Health Service. It is felt that the U.S. Public Health Service, through years of experience in water pollution control, having developed staff and facilities for doing the job, is best equipped to administer this program. The public health aspects of water pollution control are the dominant considerations."

South Dakota stated:

"The bill establishes a new Federal Water Pollution Control Administration in the Department of Health, Education, and Welfare and provides for an Assistant Secretary for administration of the program. Operating programs under the existing legislation are administered in the Public Health Service through delegation by the Secretary of Health, Education, and Welfare. Many reasons have been presented both for and against the establishment of a higher administrative level for the Federal water pollution control program. Our office has worked closely with the Public Health Service for many years on numerous cooperative programs including water pollution control. Such relationships have always been carried out on a cooperative basis, and reasonable success has been experienced in South Dakota in the construction and operation of necessary waste treatment facilities. In our opinion, the establishment of another large agency of Federal Government will not implement the program. In fact, there is every indication that the transfer of these responsibilities will result in an interruption of presently established programs with subsequent delays in the construction of much needed waste treatment facilities. On the basis of our experience in conducting cooperative programs with the Public Health Service, it is our recommendation that the Federal water pollution control program be retained in that agency."

The Utah Department of Health stated:

"Section 2 of the bill, in effect, authorizes transfer of the Federal water pollution control program out of the Public Health Service where its administration has been centered since the program inception. We believe this action would be unwise and detrimental to the sound progress of water pollution abatement and control, for reasons stated later.

"The move to take responsibility for water pollution control activities at Federal level away from the Public Health Service is, in our opinion, tantamount to proposing an unknown and untested program in place of one which has functioned smoothly, in harmony with State interests, and with substantial accomplishment. It also suggests fragmenting of costly services in such a way as to compound the problem of coordination of governmental activities which usually means unneeded cost to taxpayers."

Wisconsin stated:

"The provisions for the creation of a new administration to take over the existing functions of the U.S. Public Health Service should seriously be reconsidered, particularly in the light of disruption or termination of existing projects, delays incident to the construction of new staff and recruiting personnel, the necessity for cannibalization of existing Federal staffs such as the Public Health Service and State water pollution agencies to obtain personnel, and the myriad of miscellaneous costs incident to a new Federal empire-building project. On mature consideration, it would appear that the provision to unsaddle the Public Health Service should be defeated."

Washington stated:

"Finally, I wish to direct your attention to the position of the Association of State and Territorial Health Officers, the American Public Health Association, the Conference of State Sanitary Engineers, and the Water Pollution Control Federation. These are highly responsible and knowledgeable organizations, unquestionably cognizant of and dedicated to elimination of the potential threat of pollution to all water uses as well as preservation of our Nation's health and welfare. It is their determination that it is essential to continue the Public Health Service as the agency to administer the Federal program."

Mr. GALLAGHER. Thank you.

My name is David L. Gallagher. I am chairman of the air and water resources subcommittee of the conservation and management of natural resources committee of the National Association of Manufacturers, a voluntary association of business enterprises producing approximately 75 percent of the Nation's industrial output.

My background includes active roles in the Water Pollution Control Federation, the American Waterworks Association, and the Water and Waste Water Equipment Manufacturers Association. I am actively engaged in the water supply and water pollution control field as marketing manager-public works, Worthington Corp., Harrison, N.J.

I am accompanied today by Daniel W. Cannon, policy executive of the industrial and environment division of the National Association of Manufacturers.

Now, the water pollution control matters are handled within the NAM by our committee. A major project has been publishing of a report, water in industry, and I am going to skip down through that and say here is a copy of the report, which I would like to give to you people today, and just skip the rest of this and file the report with the committee.

We believe that it would be a mistake to take most of the water pollution program away from the Public Health Service. Over the years, the Public Health Service has built up technical competence and sound working relationships in this field with the States and with industry. When this distinguished committee of the House of Representatives held hearings on this proposal in late 1963 and early 1964, 24 States expressed themselves in opposition to the creation of a Federal Water Pollution Control Administration, whereas, no State wholeheartedly endorsed this proposal.

Nevertheless, on September 4, 1964, the committee reported a bill containing such a provision, which I will skip in the testimony.

Despite this statement, the program was considerably upgraded subsequent to the 1961 amendments. Responsibility for the program was placed in the hands of a specific Assistant Secretary of Health, Education, and Welfare, James M. Quigley. The Chief of the Water Supply and Water Pollution Control Division, Gordon McCallum, was elevated to the status of Assistant Surgeon General, equivalent to the rank of a major general in the Army. The chief enforcement officer, Murray Stein, functions directly under Assistant Secretary Quigley, who in turn reports directly to Secretary Anthony J. Celebrezze.

We are unable to see what it is that these estimable gentlemen could do with a new agency that they cannot do now. They are generally regarded as intelligent and aggressive, carrying out vigorous programs in all the various aspects of water pollution control. The proposal to create a new agency would appear to be a repudiation of their records, which we do not believe is justified.

Then I will omit reading the report of the Senate Public Works Committee and just say, with respect to that, in the field of water pollution control, the Senate committee report on S. 4 states that the Public Health Service has made a major contribution to our understanding of the nature of water pollution, its effect on individuals, and appropriate measures of pollution control, the basic orientation of Public Health Service.

After having made a major contribution to our understanding of the nature of water pollution, its effect on individuals, and appropriate measures, the Public Health Service would be poorly rewarded by having the program taken away from them.

Public health is far and away the overriding consideration in water pollution control. Ask any member of the public. The public has confidence in the Public Health Service.

Fragmentation of water pollution control away from other public health programs could cause irreparable harm in terms of both public confidence and well-established working relationships.

One is inevitably led to the conclusion that such a move would be widely regarded as a repudiation of the record of the Public Health Service.

Another harm to the public interest would arise by virtue of the fact that this move would set up another Federal agency to compete for the limited number of sanitary engineers and other professional, scientific, and technical personnel in this field. Departments and agencies of the various States are having difficulty maintaining their staffs of sanitary engineers. It appears that students are not enthusiastic about entering this field. Those who do frequently find service with the Federal Government more attractive than with the State governments. This should dictate the utmost efficiency in Federal utilization of sanitary engineers and related scientific and technical personnel in this field. Creation of a new agency which would artificially increase the Federal demand for such personnel would not be efficient. It would be more efficient to concentrate all related skills in one agency rather than break them up into separate groups.

I cannot stress too strongly the matter of personnel, because there just are not too many people in this country today to do what we want to do and what I am sure the committee wants to do.

On the issue of creating a new agency, the Maryland State Department of Health submitted a statement, which is in here and I will not bother to read it.

In the same way, the Minnesota Public Health Association, composed of over 600 public health workers in Minnesota, wrote to Representative Blatnik on December 5, 1963, and that is in my testimony.

The views of all the other States are set forth in the appendix of this testimony, which I will not take your time now to read.

We respectfully urge this distinguished committee to heed this remarkable unanimity of opinion on the part of 24 States, from Maryland to Oregon and from Maine to Texas, and delete from the bill section 2, which would create a new, unnecessary Federal agency.

We note that H.R. 3988 proposes to add the following provision to redesignated section 10 of the act, and this is a subpoena power, which I will not read because it is a part of the record in the report.

It seems obvious that a provision such as this would change the entire approach and character of the proceedings under the act.

This has been mentioned by General Decker just previously.

At present, the first step in the enforcement procedure is a conference, which indicates an intention that it be an informed proceeding in which all parties are on an equal level participating in a cooperative inquiry. The new provision would change the "conference" into a highly formal hearing of an extremely adverse nature, and would subjugate State and municipal government officials into a position of inferiority, rather than a partnership position, and the partnership has been stressed throughout the testimony today.

The designee of the Secretary would become the absolute boss of the proceeding, which would no longer be a true "conference."

We believe this provision is contrary to the policy and philosophy expressed in the act as to the primary responsibility of the State and local governments, and we respectfully urge the committee not to approve this provision.

In the matter of mandatory Federal stream quality standards, we also note that in the previous hearings before this committee, a very substantial number of States expressed opposition to section 5, which calls for mandatory Federal stream quality standards to be set by the Secretary of Health, Education, and Welfare, and we heartily concur in this position.

Section 5 could well be the first big step toward the end of water pollution control regulation by the States. It is completely contrary to the statement contained in section 1 of the act that—

it is declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution.

Section 5 could lead to a complete Federal preemption of the field of water pollution control regulation, which could render null and void all State regulation of the subject matter. It could superimpose Federal policy over virtually all the water pollution control programs of the States and their duly constituted agencies.

Under section 5, the Secretary would be authorized to promulgate standards whenever the appropriate States and interstate agencies have not developed standards "found by the Secretary" to be consistent with paragraph 3. Obviously, the Secretary would appear

to have an unreviewable discretion in deciding whether or not the State standards were "consistent." The decision as to this would rest solely within himself. Thus, a Federal judgment could be exercised in every instance. The result could only be chaos and confusion. There will be no incentive to comply with State requirements if there is continuing uncertainty about the Federal Government stepping in and imposing new and different requirements. Such a chaotic condition will be the biggest possible deterrent to progressive action in the water pollution control field.

In the first instance, what is a standard? Is it a number of some sort or is it a sentence or paragraph of words? It would seem that section 5 could start many endless controversies.

Many States have rejected the standard-setting approach in favor of a case-by-case approach. They should not be forced into adopting an approach they do not believe is desirable. In many respects, the function of water pollution control regulation is to achieve an equitable apportionment of the burden of maintaining reasonable stream quality. Clearly, this is a function which should be performed by the States according to the policy of the States or the compacting States. It would appear to be impractical and unworkable to have such a function performed by the National Government.

When the power to issue regulations is lodged in the Central Government, the inevitable tendency is to formulate uniform, nationwide rules. This is probably the only practical way for the administrator to try to administer regulations throughout such a large and diverse country. Such a result would be particularly unfortunate in the water pollution control field, because it would fail to recognize the variabilities within and among river basins. Inevitably, the results would be harsh and unjust in some situations and perhaps too lax in others. The only alternative would be to formulate different regulations for each local situation throughout the country, and this would entail a voluminous bulk of regulations which would take years to evolve properly.

It is argued that Federal standards would introduce an element of equality in the competition for industry among the States, and it is claimed that industry will tend to move from high-standard States to low-standard States. However, Federal standards could introduce severe inequalities among the States. The same standard applied to all the States could deny further industrial development to States having difficulty in meeting the standard and greatly stimulate industrial development in other States having no difficulty in meeting the standard. Thus, Federal standards could introduce some severe inequities. It is clear that the power to stream quality standards can have a great influence on economic growth, and this is a function which should be left to the States.

More than 40 States, including the most populous and most highly industrialized, require the filing of detailed plans for treatment of waste water and the issuance of a permit before new industrial plants may be constructed, and before revisions or extensions to existing manufacturing processes or waste treatment facilities may be made. Consequently, for effective and realistic results in water pollution control, it would be far better to leave the actual formulation of regulations to the States.

Tremendous progress is being made in water pollution control. This negates the need for any new Federal agency or for mandatory Federal stream quality standards. One need only turn to the 1964 Annual Report of the Ohio River Valley Water Sanitation Commission, commonly known as ORSANCO, an eight-State interstate compact agency. Under this compact, approved by the Congress, these eight States are pledged to cooperate in the control of future pollution in and the abatement of existing pollution from the waters of the Ohio River Valley. It is extremely significant to note that industry cooperates with ORSANCO through six ORSANCO committees of the various industries.

On page 2 of its 1964 annual report, ORSANCO states:

Today, 99 percent of the sewage emanating from communities along the 1,000 miles of the Ohio River is piped into purification plants. Sixteen years ago, all of the effluvia was poured untreated into the river.

Matching this progress in cleanup efforts on the main stem of the river has been the installation of sewage-treatment facilities on tributaries of the Ohio. Throughout the entire drainage district, there are now more than 1,300 communities, with a total population of 10.7 million provided with purification plants. What this means is that 94 out of every hundred persons connected to a sewer system in the Ohio Valley has made an investment in pollution abatement. How much? The total is about \$1 billion—averaging \$100 for every man, woman, and child.

Another goal of this regionally coordinated crusade for clean streams initiated in 1948 by eight States has been the curbing of industrial-waste pollution. There are more than 1,700 industrial establishments whose effluents are discharged directly into streams of the Ohio Valley District. Today, 90 percent are recorded as complying at least with minimum interstate requirements—and some are rated as doing even better.

This remarkable record of progress completely and conclusively refutes any claim of need for a new Federal agency or for mandatory Federal stream quality standards. Such experimentations with the regulatory process could only interfere with progress and not contribute to it. Therefore, we respectfully urge this distinguished Committee on Public Works of the House of Representatives to reject them.

Thank you very much, gentlemen. I tried to run through that.

Mr. BLATNIK. Thank you, Mr. Gallagher.

Mr. Ralph A. Richards, president, Alabama Fisheries Association, from Mobile, Ala. We should have a medal for you, Mr. Richards, for standing by so patiently all afternoon.

STATEMENT OF RALPH A. RICHARDS, EXECUTIVE VICE PRESIDENT, ALABAMA FISHERIES ASSOCIATION

Mr. RICHARDS. Thank you.

Mr. Chairman, I am Ralph Richards.

For the sake of correctness, I am the executive vice president of Alabama Fisheries. I am a past president of this organization.

I have no written testimony, as at these hearings I like to give the committee the type of information that I feel that is lacking or that the particular committee needs to round out their information in the bill that they are considering.

Alabama Fisheries Association is a commercial or trade organization. We cover the fresh water industry, salt water industry, and the wholesale-retail industry in Alabama.

We are familiar, very familiar, with water conditions in Alabama, because we are the only industry in Alabama that uses all of the water all of the time in the State. We also are familiar with water conditions in our neighboring States, and we are very much aware of the need for this bill and support and help from our Federal legislators.

I have with me a little exhibit that I will show you later, but first to point out the need that we have in our States.

Alabama passed a law some 10 to 12 years ago that they thought would be the answer to their pollution problem. But since that time, we have had fish kill after fish kill and problem after problem, and this past legislative session, we tried in vain to get a law passed that would beef up the State law and give us a little relief in this regard.

This present law that we have in Alabama is a very good law. The only thing lacking is enforcement. Where enforcement is constituted is through a board made up of trade organizations that are actually people that are doing the polluting. These organizations are primarily the pulp and paper industry, chemical industry, and the steel manufacturing, metal fabricating industry. They control and dominate this board and guard it very jealously. They have complete control of the water conditions of this water improvement commission, called the Alabama Water Improvement Commission.

The only way that the fishing industry can get relief other than through this board is to appeal to the Governor to ask for Federal intervention—and we have not asked our Governor to ask for this intervention, because politically we do not think that he would, especially right now with the situation as it is.

So we know also that the people that control this commission are your most affluent people in Alabama. They are important to the State, to the economy of the State. They are the—well, the manufacturing industry in the State of Alabama has taken first place over fishing and agriculture, as we used to be primarily an agricultural and fishing State, fishing being the first industry. But Alabama has changed in these past 20 years and we are an industrial State, and we have more industry coming in every day.

The reason that this industry is coming into Alabama is not because we are good salesmen or we are good people, or we have real good race relations; it is because we have real fine natural resources. We have one-fourteenth of the Nation's surface fresh water, and we have the second largest drainage system in the United States, constituted by the Alabama-Tombigbee River drainage system.

We know that the paper industry and these other industries—I will not pick on the paper industry, the manufacturing industry must have this water. The paper industry itself has to have water purer than our drinking water, which they get out of the surface fresh water lakes.

Now, they guard this water very jealously. If you pollute any of that, you are really in trouble. But our river systems are used as conduits of waste by these manufacturers. And as far as they are concerned, the pollutant, the effluent that they discharge is good enough for the fishing industry and the general public. Of course, we disagree with their view and we have disagreed very strongly.

I have with me these exhibits. I will not try to pass them around. I just want to have it for the record.

This is a joint resolution by the House and Senate of Alabama, 1961, June 2 and June 16—it was adopted by the senate June 2 and approved by the Governor June 16.

This resolution asked the department of conservation to make a study of these fish kills that we have had since in the early 1950's. From this information that was compiled, this legislative body concurred in the recommendation—

That either an entirely new effective water pollution law be passed or that some teeth be put into the present law.

That was agreed by everybody in Alabama.

It goes on to show some of the fish kills and the extent of them and a little more about that.

I have exhibit No. 2, just to show you a current thing—this is not something that we had to go back 10 years to find. When I got my wire last Friday—it was over the weekend, I got it late—I went in the file and got a late fish kill, right in Mobile Bay. That was carried by the local press. There were a lot of small fish the biologists said suffered or died from suffocation, lack of oxygen.

At the time, our research committee chairman went out and got a 5-gallon bucket full of the water that was around the fish where they were killed, and this fibrous-type material—it is black and very smelly—is the effluent coming from a plant of which I have pictures.

This will illustrate the job that is being done in Alabama—the pictures will show there is no job being done.

That plant is discharging directly into the river. The effluent is very visible and the contents of the bottle will show you just what it is.

The second picture of the same plant, that is a large national concern and I will not mention the name because it is unfair; they are not here to defend themselves. But in the background there you see Brookley Field.

Now, Brookley Field, of course, polluted, too, but thank goodness we did not complain about that, because Mr. McNamara closed it down, phased it out, and we did not get credit for the closing; he got all the credit for that. [Laughter.]

My further exhibit shows also from the news item a diagram of Mobile Bay and the part that is closed. Now, this particular part, Mobile Bay, is approximately 15 miles wide and 30 miles long. This shows that about 80 percent of the bay is closed. That is closed to oystering.

This has been closed every year except the year of the drought, 2 years ago, for the past 12 years and it put some 2,000 oystermen out of work every year when it closed down.

Now, that is just one form of pollution that we are concerned with.

I also have some pictures here of chemical pollution.

I have air photos of a chemical plant showing very clearly discharging into an open ditch, what is supposed to be a settlement basin. Also, it has an open drain that goes right into a ditch, which further picture shows that this ditch runs right out, open-face ditch, into the river. These pictures show the location of it on the Tombigbee River.

These samples were taken—I have three, one was taken right at the discharge of this ditch, the others taken about 300 yards from the ditch, and then another one about a mile down the river, showing this effluent flowing down the Tombigbee River.

Now, this plant manufactures all types of lethal pesticides and chemicals and the only treatment that they have is running it out a ditch into the river.

Of course, we are on the receiving end of all of this. The point I am trying to make in this little talk is that we have heard a lot today about there being no need for Federal legislation or intervention and to let the State handle the water pollution problem.

I think our State health department people have done a remarkable job with what they had to work with—we only have three men in our State health department that are under 50 years old that are qualified health officers; one of them is the State health officer himself. They, of course, are limited as to what they can do.

As far as the municipal waste in the small towns and small industries goes, they have done a remarkable job with what they had to work with. But in the case where they are confronted with industry—and these industries, I wish to point out to you, are national industries, they are people that have their offices in New York, in Philadelphia, Switzerland, in England, and different parts of the countries, and they have plants in several of the States in the United States. We feel like if a strong law were passed, a strong State law in Alabama were passed, these industries would tell our politicians and our people, "Well, if you make it too tough on us, we have got to go to Mississippi or Florida where they have a real weak law."

And, of course, that would scare our people to death and they would say, "No, you go ahead and do what you have been doing."

So we know that possibly the worst thing that could happen in Alabama would be to pass a strong law that would affect the industrial polluters, where our present law would amply cover our municipal and our health situation in Alabama if our State health people were allowed to operate.

To show you the effects of an industrially controlled commission, there is another papermill right in the residential section of Mobile that discharges right into a creek that runs right through neighborhoods.

I used to live on that creek, and I know firsthand the results of living on a polluted creek from the paper plant.

These are some other shots of a national concern, a big pulpmill.

The reason that river looks black is because it is black. [Laughter.]

It completely stays black. The river normally is brown, but there it is black.

Now, when the department of conservation heard I was leaving, our seafood chief heard I was coming up here and he said, "I have got some pictures I have just got to give you." He had just taken these. They show the effluent of a packinghouse, this being discharged—these are very good pictures—it shows this going into a stream. It is going directly into the Mobile River—no treatment, it goes directly over our oysterbed.

He wrote a little note on the back of this one and he says:

Discharge from meat processing plant. Coliform count of this water 1 mile downstream from this point is 12-million plus. Normal maximum acceptance level is 70.

Now, our own health department records show that at this point, by Brookley Field, or at Brookley—well, where this picture was taken,

that the coli count exceeds the maximum some 6,000 times. It gets so high you cannot multiply. And right at Brookley, just a few short years ago, there used to be a fine recreational place for the soldiers and for everybody, good crabbing, good fishing, and so forth. And as the years have gone on, Brookley Field moved their recreational facilities for soldiers down the Dog River, 15 miles farther south. The coli count exceeds—this is a 10-year average, it is the health department records—it exceeds the safe limit by some 3,000 times at Dog River, and still children and people are fishing and enjoying this. No posted signs or anything.

And on farther down to where they draw this line, we have a permanently closed area there at the bottom of that line. It stays about 200 over the maximum.

Of course, our Gulf of Mexico, the green water, has a chlorine-like effect on this water and will dilute the coliform count. As you get farther into the gulf, it will assimilate it, as the paper people say.

But one thing that I do want to point out while the thought hits me here, when you are talking about discharging into a stream, all streams are live. As the man pointed out about Lake Erie, Lake Erie is becoming dead. And we are very concerned at this point when they talk about effluents. Your pulp mills and chemical people, when they discharge, they may or may not kill some fish—it depends on whether there is any there or not. But it does not really hurt a fish any more to get killed by catching him in a net than by poisoning. The real damage is done by the killing off of all the microscopic plantlife in the river, the plankton and the other marine species, friable, that keep your water alive and keeps the ability to assimilate waste material.

In other words, if you have pulp mills, like this one right above this point that goes into the water by law, they are permitted to dump 10 million gallons a day of untreated acid bleach directly into the river. This is one mill, and one of the better ones, one that won a conservation award for being a "good conservationist."

They also, in their permit, are allowed to dump 40 million gallons of this black liquor that makes the river black. It has a fibrous material, very similar to this.

Now, when this is going on, and then you have your sewage or municipal disposal going right below it, that material is consuming the oxygen and killing the plantlife in the water, and the sewage is carried farther and farther downstream before it is assimilated.

Back in the old days before these industries, the sewage from Mobile pretty well got assimilated as it went down the bay because we have millions of gallons of water flowing through this terrific drainage system in Alabama. But I wanted to make that point clear, where you would understand when people are talking about fish kills or saying, "Well, it only killed 200 fish and we have got a \$55 million plant with a big payroll, and so forth," it makes the little fish that they kill look mighty insignificant. But we wish to also point out, as far as the fishing industry is concerned, the combined industry in Alabama exceeds \$100 million a year. And from our estimates, water pollution alone is costing us \$22 million a year in lost production in Alabama, and we are a small State as far as shoreline goes. We are blessed with a fine fresh water system.

Further, in the States that surround us, our salt water division, our shrimpers shrimp in Florida and shrimp in Georgia and Louisiana and Mississippi.

There was some talk here today about Florida being able to take care of their situation pretty good. We find people who say water is good in Florida are not in fish business but are in the paper business, because Florida is suffering the same problem that we are suffering in Alabama. Louisiana is suffering the same thing, Mississippi. And in Georgia, they did do something over there that I thought had some merit; they separated, by law in their State legislature, their municipal or health part of their water, their type water improvement commission from the industrial waste, which I think is what is going to have to be done.

I am not trying to give you the solution to these problems, I am really trying to point out the problem; the solution will be up to you. But where you have national concerns, industrial polluters, the most affluent people in the country who have the most effluent, a State agency is not capable of coping with those people.

A State legislature is not capable of coping with those people.

To give you a good example, we have this bill passed in the house where Alabama fisheries would be included on the board. We felt like it was a good little bill. It was not any stronger than the old one, but being that it would have us on the board where we could at least insist on enforcement, which is all that is really needed, we supported the bill along with Alabama Wildlife Federation and the Izaak Walton League and all the conservation groups.

Finally, the bill got passed. It was pretty well watered down when it got through the house, and it passed 100 to nothing.

I was walking out with Dr. Rowe, who was then president of Alabama Wildlife Federation, and one of the legislators there that had just gotten through voting for the bill said, "Man, that is a good little bill." He said, "It won't hurt nobody; won't help nobody." [Laughter.]

Well, that is about the type legislation you can expect to get out of a State. We took that "good little bill" that "wouldn't help nobody, wouldn't hurt nobody," over to the senate and our State senators got ahold of it, and these lobbyists went to work on them. They referred the bill to the mining and manufacturing committee. This old senator that was head of that committee, he had been there for 20-some years and he was more or less a captive senator of the steelmakers there, and they go along with his little farmers and keep them happy and they keep him elected, and he will jump out the window if they tell him to. [Laughter.]

Incidentally, that little senator is from the same place where they are having all the trouble about voting now. They do not want anybody to vote down there. They are not discriminating; they do not want anybody but a few farmers to vote for that senator, because they keep him where they want him. [Laughter.]

But he alone and a few others like him killed that bill. They put a complete—they filibustered. They said there was no use to bring it up, but we insisted and finally pressured it out of committee. They managed to let it die a natural death and the session ended and we still do not have a bill in Alabama.

Our paper people and steel people and chemical people are coming around and playing on the ignorance of our voters and saying, "Now, you do not want any Federal intervention to come in here on this water pollution? We can handle this job ourselves."

We are trying to get our people not to buy that bill of goods, because we know for a fact that it cannot be handled as the present structure is on the State level. I think it is too much to ask of a Governor to try to do something about it, and I think even on the national scene, where President Johnson has said he wants to do something about water pollution, he is committed to cleaning it up.

Unless the legislators, the Federal legislators, are willing to back up the President, he will make a miserable failure out of cleaning up the water; but politically he will be in pretty good shape, because he has already committed himself that he wants to do it. About the first time that we have a real crisis in this country, he is going to be in good shape and the legislators are going to be in a tough shape.

Now, I am speaking politically, because I am a politician myself. The only difference in me and you is that I have never won a race. [Laughter.]

But one of these days, when we have a real problem and we have a "people kill" and we have some real panic, people like me are going to be sitting where people like you are sitting, and people where you are sitting are going to be sitting—somewhere else. [Laughter.]

I think President Johnson is a student of politics enough to realize this—and I do think he wants to clean up the water, too, but I do not think you can clean it up by saying it is the Department of Health, Education, and Welfare's responsibility, because they can be pressured out of these things, out of doing a good job, too, if they have an unfriendly—pollutionwise unfriendly—administration dictating the terms.

So, Mr. Chairman, generally this will conclude my presentation.

In conclusion, I would like to say that the fishing industry is, I think, a group of the most qualified people. I think the members of the fishing industry should be included in more of your invitations to appear for testimony, because these people make their living on the water. They have everything to gain and nothing to lose by a good pollution bill. I think fishermen will pretty well tell you the truth if you can get them there.

I do want to say there is one thing on public hearings, that I am not a believer of public hearings because they really do not serve the purpose intended, especially on water pollution. On some things it is all right, but the public hearing—I will give you an example. In Florida, where we had an interstate hearing where an Alabama concern was polluting into Florida, I was invited to go to that by the director of conservation. It was not a formal invitation; he said, "Just go over there and see what is going on."

Well, there had been a lot of trouble in the Pensacola area there where the sportsmen and fishermen were just raising Cain about pollution, and the State of Florida called Mr. Stein to come down and have a hearing.

I went there. I got there a little early and a couple of gentlemen from Philadelphia and one from New York or somewhere, we were an hour early, so I took them for a ride and showed them around the town

and came back. Of course, with me coming in with them, it was assumed by some of the attorneys there that I was one of them. One of them came over and said, "Don't worry about it; we have got this locked up." [Laughter.]

Well, I sat down with them and watched the show and they did have it locked up. They went for long hours of dissertations on all the scientific business about why they could not be the ones polluting and the fish—well, to make a long story short, when they got through, you would have thought the people in Pensacola owed these plants in Alabama an apology for ever bringing the subject up anyway. [Laughter.]

There was one little man from the Florida Board of Conservation, little fieldman. He got up and—little red-headed, freckle-faced guy, and he told them what he thought, but I doubt if he works there any more. [Laughter.]

But there was no sportsman and there were no commercial fishermen, no fishing camp operators.

I asked around. They had a little intermission. I said, "Why aren't some of the commercial people and the fishing people up here?"

They said, "No." This fishing camp operator said, "I made the mistake of making a complaint once. The mills told the people not to trade with me any more and I lost my business; my business went to the other guy. I know better than to complain.

Consequently, they had a hearing with only one little fellow who had an opposite view at all, and he was a fieldman, a game warden for the Florida Board of Conservation.

I felt called on to say something, so I got up and made a few uncalled-for remarks, and that concluded the hearing.

On the other hand, when you have a hearing where you have an emergency arise, say you have some deaths or something, well, there would be a lot of hysterical women coming in and crying and carrying on and you could not have a hearing anyway.

So your manufacturers, you have public relations men, they have attorneys, and they have the advantage. They will completely choke out any hearing, delay it until the workingman just has to go home.

So that about wraps up my testimony. I appreciate the invitation to come, and I hope next time I can afford to come. [Laughter.]

Thank you, Mr. Chairman. I appreciate talking to you.

Mr. BLATNIK. This has been a humorous interlude in a sense. We are very, very mindful of the basic seriousness of the situation as you describe it there in mentioning many, many more instances.

By a strange coincidence, Mr. Gallagher, just before you was a representative of the National Association of Manufacturers. You heard him testify, and I quote:

Over the years, the Public Health Service has built up technical competence and sound working relationships in the field with States and with industry.

Apparently the "sound working relationship" has not gotten down to Alabama; has it?

Mr. RICHARDS. That is right.

Mr. Chairman, as an afterthought, one of the reasons I could keep my testimony reasonably short was that most of the things that I would want the committee to know are in this report that Mr. Jones had on

water pollution control and abatement, part VII, Alabama, Georgia, Mississippi, and Tennessee. It pretty well gives the feelings of our industry and it saves a lot of time. If you want it for reference, we have it available.

Mr. BLATNIK. We have it and it is a very excellent piece of testimony.

Mr. RICHARDS. I would like to leave my pollution samples with you. I have no further use for them.

Mr. BLATNIK. Mr. Richards, could you make a comment as to what parts, what sections or aspects of the proposed legislation now before this committee for consideration would be of help to the State of Alabama or to a fishing industry such as yours, throughout the country?

Mr. RICHARDS. Well, everything that I read in the bill would be a step forward, a step better for—I like the bill. I wish it were a lot stronger.

I think we have got to realize that the general public has got to pay this bill to clean it up anyway. We might as well figure out how much it is going to be and get busy on it. Because I am quite sure the industrial people, being business people, are not going to clean it up. We have got to clean it up for them or help them do it, or make it attractive to them.

But the part on the shellfish that concerns me, to give you a practical example, if you had some interstate concern, say an oyster concern that could not ship his oysters because they were polluted, the health officer would not OK it, and that caused him to lose money, he would have a devil of a time proving that any industrial people had anything to do with it, because industrial pollution kills an oyster, it does not pollute it. It either destroys what it eats and it starves to death, or the chemicals are—well, the oyster will not pump a chemical, it will just close up and die. So he will never get harvested anyway.

So about the only thing this would amount to, some little packing-house or chicken plant, or somebody that is dumping their effluent in the bay, would be penalized for the oysterman's problems and the industrialist would come out like a rose; he would not even be touched.

They can pretty well prove that as far as coliform and bacteria are concerned, they are not affected. That is the reason they are not objecting to that part of it. They can always get out of that. And they will throw that onto the municipalities and to the little small business people.

I had a personal example of that with my plant. We lost the processing. I have a chicken processor that wanted to come in. The deal was all made, everything but the effluent. The only effluent would be little blood, bloody water, that would go. Everything else is saved and it goes into the feed and is ground up. It would be a new industry for me, a good deal for me. Very happy situation.

But the water improvement commission said we would have to tie into the city sewer line.

I am located on the Alabama State docks. To do this, the engineers tell us it would cost \$225,000 for me to put sewerage—and I am within 100 yards of the river.

So that killed my business. I did not get the chicken plant. It has got to locate somewhere else.

But these industrialists are there putting the pollutant in by the billions of gallons, and I cannot put a little protein in the water. Chicken blood, all it is is protein—of course, it would affect the coli count.

But that is a good example. It seems like all laws nowadays are compromises of big business, big government, big labor, and everything, and the little businessman is the victim of the compromise.

So I would like to see that part of the law, a little something done to it to protect the small businessman. I would hate to see that a chicken plant was closed down because the man could not ship the oysters when the city of Mobile is putting 20 million gallons of sewage a day into the river.

So those kinds of things you have to be careful of. But generally the law is a step forward and I would like to see it passed.

Mr. BLATNIK. Thank you, Mr. Richards. Thank you very much. The hearings are adjourned and the committee—

Mr. TUTEN. Mr. Chairman, before you adjourn, I do not want to ask any questions, but I want to make a comment. This has been an outstanding witness.

Mr. BLATNIK. He certainly has.

Mr. TUTEN. He is amusing, informative, and he is convincing, and then he makes me feel right at home. He talks about like me.

[Laughter.]

If I would like to be convinced to vote for the bill, he has finished the job.

Since you are sponsoring, however, I wondered if you had heard him before and you are responsible for getting him up here?

Mr. BLATNIK. No, this is the first time I have heard him, but his reputation has gone ahead. I know he testified before the Jones committee.

This man knows his business, knows what he has done, as you have seen and heard for yourselves. He talks very earnestly and factually, and yet in a very fair way. There is no animosity, no incrimination—most fair and most earnest presentation, most comprehensive presentation.

Mr. TUTEN. Living in that part of the country, he has presented a real situation. That is the kind of situation that exists down there, no question about it.

Mr. BLATNIK. Thank you, Mr. Richards. Good luck to you.

(Whereupon, at 7 p.m., the hearing in the above-entitled matter was recessed, to reconvene at 10 a.m.. Tuesday, February 23, 1965.)

WATER POLLUTION CONTROL HEARINGS ON WATER QUALITY ACT OF 1965

TUESDAY, FEBRUARY 23, 1965

HOUSE OF REPRESENTATIVES,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C.

The committee met, pursuant to adjournment, at 10:15 a.m., in room 1302, Longworth House Office Building, Hon. John A. Blatnik presiding.

MR. BLATNIK. The House Public Works Committee will please come to order.

We meet in continuing the third and final day of public hearings on legislation on S. 4 and H.R. 3988, and related and similar legislation, proposing amendments to the Federal Water Pollution Control Act.

We are very privileged and certainly honored to have with us one of the most distinguished Governors of the United States. Governor Rockefeller, we welcome you here to present a report of special interest to this committee regarding legislation, needs, and proposed programs to meet the ever-increasing critical problem of adequate supply of water both in quality and quantity.

Governor, I notice you have a prepared statement. Will you please proceed. We will be glad to have you read, interpolate, or summarize verbally, as you see fit.

STATEMENT OF HON. NELSON A. ROCKEFELLER, GOVERNOR OF THE STATE OF NEW YORK; ACCOMPANIED BY DR. HOLLIS S. IN- GRAHAM, COMMISSIONER OF HEALTH OF THE STATE OF NEW YORK

Governor ROCKEFELLER. Thank you very much, indeed. Mr. Chairman, gentlemen, I appreciate greatly the opportunity and the privilege of appearing before this committee. For a long time I have had great respect and admiration for your chairman and the members of the committee and what you have have done in facing up to what is one of the most serious long-range problems which I think we have as a people in this great country. Not only has your committee been foresighted, but the administration is now making a major issue of this whole question of pollution, and this is very heartening to all of us who share with you this concern as to one of our great God-given natural resources—water and its preservation.

I have had the opportunity of talking with your chairman, talking with the President, talking with Mr. Celebrezze, people from In-

terior and other departments about the program here and its application to, specifically, our problems in New York State and the program which we have proposed this year for State action, which is intimately related with the Federal action in this field.

We share your objectives and your concern, and are trying to find a way of gearing our activities to yours in order to maximize the speed with which we can correct the existing situation.

Briefly, and in summary, the situation in New York, the problem we face is that nearly two-thirds of all New Yorkers live in areas affected by pollution—pollution that does not respect towns, city, village, county, or State boundaries. Nearly 1,200 communities and 760 industrial sources feed this pollution with poorly treated or untreated waste, even with raw sewage.

To meet the backlog of accumulated needs and new needs through 1970 will cost \$1,709 million for local sewage treatment plants and interceptors. Up to now local communities have been expected to pay by far the bulk of the cost; but local governments, faced with other heavy responsibilities as well, cannot be counted on to do this job by themselves.

Elimination of industrial pollution will involve another \$67 million.

We have good laws in New York relating to effective water pollution control, with adequate standards which are continuously updated and approved. New pollution is effectively prohibited, but our pollution control laws, be they State or Federal, cannot be fully effective until we have the money to overcome the huge backlog of needs.

I would like to speak first, Mr. Chairman, if I may, briefly on the Federal limitations under the existing Federal law, which is the subject of discussion before your committee, and how they affect us in the State of New York.

If I can have chart 3, please.

The \$600,000 limitation per individual project and the \$2,400,000 limitation on a joint operation affects New York very seriously, for these reasons.

I picked here a half a dozen projects in the larger counties and cities, eliminating New York City first, to show the size of the plants and the cost of the plants which are part of this total program of \$1,700 million.

The sewer in District No. 3 in Nassau County would cost \$52 million.

The Utica area is \$7,500,000; Troy, N.Y., \$9,300,000; Rockland Sewer District, \$11,800,000; Westchester County Croton Watershed, \$29 million; Suffolk County Sewer District No. 1, \$45 million.

Therefore it is very clearly visible that these plants, which are essential to our communities, will only share in a very small percentage through the present Federal program with the existing limitations. I am basing the whole discussion on the basis of one-third Federal cost.

New York City and its largest plant, or one of its largest plants, spent \$87,590,000. It received from the Federal Government \$250,000 as its share; in other words, three-tenths of 1 percent of the cost of that plant.

This, I think, brings us to the basic problem which we face in the limitation per plant; namely, the concept that the larger communities per se are more wealthy and therefore can afford to meet these expenditures.

Again using New York City as an example, they have, or are faced with, an estimated \$350 million of additional need for annual revenue in the next fiscal year.

This indicates the size of the fiscal responsibilities which our municipalities are facing. The cost of government in these local communities, the problems of modern industrial urban society are great. The costs are rising, and these communities find themselves faced with problems which are beyond their existing resources. And, therefore, I think we are coming into a period where the size of a community alone does not indicate its capacity to meet these tremendous expenditures.

In the field of education, the costs of primary and secondary education are doubling at the rate of every 6 years, at least in our State, and I think this is pretty true around the country. So that the State is trying to help our local communities in the field of education.

We are picking up about 45 percent of the cost of primary and secondary school education in the State. We have an income tax now, personal income tax, that produces, this coming year, we estimate, \$1,180 million; and our estimate of State aid to local schools is \$1,160 million.

So that the total, almost the total of our State income tax is going back to the communities to help them in the cost of primary and secondary education.

I mention these figures simply to indicate that the State is trying to share with the localities their heavy burden of the cost of local government.

And this year, for the first time in recent history, the costs of State and local government in total are exceeding the cost of Federal Government, including the military expenditures.

So that we are seeing a shift in the whole structure of expenditures going more and more down to the local communities. And therefore when we are faced with a problem of the magnitude of the one which we are faced with in the State of New York; namely, the purification of our water which affects everybody in the State, whether it is the individual—drinking water; the cost of water to municipalities; whether it is recreation; whether it is industrial purposes—water has become increasingly the big need, the must for our communities and the effective development of those communities. Industry as never before needs clear water.

So we have to meet, and I think the problem has to be met rapidly if we are not going to lose ground; as, interestingly enough, the Under Secretary of the Department of Interior said that we are actually at present losing ground as far as pollution is concerned in this country. I do not think the public generally recognizes that, although I think, thanks to your committee and to the leadership of your chairman, this whole subject is becoming more clearly understood, and into sharper focus in the public mind.

Now, I would like to mention briefly two other limitations here. The 50-percent limitation in your formula to local governments under 125,000, so that half of the money goes to the small communities.

The truth of the matter is today that 87 percent of the population is living in urban areas, and that percentage is growing rapidly, so that this formula, while I understand the genesis of the formula, is less and less directing the money to where the problem is and to where the people are and to where the moneys are importantly needed.

Secondly, I would like to—or thirdly—point out that the formula based on population, per capita income, results in New York State, which has 10 percent of the population, which pays almost 18 percent of the total Federal taxes, in getting only 5 percent under the existing \$100 million allocation.

So that we are faced—and I would like to show the chart 1, if I may, please—we are faced with this situation. Our program of \$1,760 million, the Federal share of the New York State cost would be \$513 million.

Under the present formula—and I might say that on our program we hope to clean up the entire State in 6 years, and say, parenthetically, the reason for that is that it is very hard to get one community on a big river or stream to clean up their pollution when upstream two or three other major communities are dumping in raw sewage, and they say: Why should we spend—as is the case of Albany—\$35 million to clean up our sewage when Troy will dump enough in every day so that it makes no difference what we do as far as our own riverfront is concerned?

So here would be, under our program, the Federal share—\$513 million, based on 30 percent.

Under the formula as it exists, we would receive for the \$1 billion 700 million project from the Federal Government \$31 million—in other words, less than 10 percent of the 30 percent under your basic formula, without the restrictions.

I might mention that when we total the projects for the State of \$2 million or more—well, I think that really shows. I have got the breakdown; Bill has got the figures, which I have just shown there, so I will not go on.

Now let me say briefly, gentlemen, what we have tried to do in New York up to the present program.

First, we have exempted bonds for sewage disposal plants for local communities from the debt limit from 1963 to 1973, because many of them were hampered in the development of sewage disposal plants by local debt limits. This was helpful but was not a major factor in encouraging them to go ahead and take the necessary steps.

Secondly, through local home-rule law provisions we have allowed municipalities to contract with each other to undertake projects, including sewage disposal. And the State pays now, under another provision that we have adopted, the entire cost of regional studies and the development of regional plans. This is helpful, but has not been major in its impact.

Third, in order to encourage action, in order not to penalize those who had already acted, the State now picks up one-third of the cost of operating local sewage disposal plants, which is about an \$8 million item in our present budget.

However, these steps, frankly, have not been effective in getting the action which is essential.

So I have then, working on a bipartisan basis in our State, developed the following program which I recommended to the legislature and which is under consideration at this time. And, as I say, this has the bipartisan support of the leadership of both parties in both houses of the legislature. And I should like to just summarize this seven-point, 6-year program. This is in your text.

First, State leadership in Federal-State-local sharing of the costs for construction of new sewage treatment plants and interceptor sewers:

The State to assume 30 percent of the cost;

The Federal Government to assume a full 30-percent share by eliminating from its present grant-in-aid program for such facilities the discriminations against large cities and urban States like New York; and, in order to make this a possibility, I have recommended a—

Billion dollars in State bonds to be authorized to pay the State's share and to avoid delay by prefinancing the Federal share where necessary.

Second, the encouragement to industry by the State, Federal, and local governments, through—

First, tax incentives to spur construction of new industrial pollution control facilities; and

Explore means through which low-interest loans could be provided industries in hardship cases.

Third. State and Federal action to eliminate water pollution by State and Federal institutions in New York State, such as hospitals, colleges, prisons, military bases, and other facilities.

Fourth. State aid to localities for one-third of the cost of operating and maintaining local sewage plants, which was authorized upon my recommendation in 1962.

Fifth. Establishment of a new automated water-quality monitoring system.

Sixth. An expansion of State research in the water pollution control methods.

Seventh. Vigorous enforcement of the State's laws against water pollution.

Now, under the construction grant program I have recommended to the New York State Legislature:

Projects eligible under the State program will be the same as those under the present Federal program. We have adopted your standards to simplify it;

The State will pay a full 30 percent of the cost of eligible projects without any dollar limitations; and

The State will prefinance a similar full 30-percent share by paying to localities—that is, the Federal share—paying to localities an additional amount which, when added to the amount of Federal assistance, if any, received for an eligible project, will equal an additional 30 percent of the cost of the project.

In other words, under whatever formula you have a certain amount would go to that project and the State would make up the difference in an advance against Federal allocations in the future of the full 30 percent of the amount.

Now, in order to accomplish this program, I would like to suggest the following in relation to the considerations which you are now discussing before you at this time.

We are requesting the Congress to change the law to provide a full 30-percent Federal share without dollar ceilings where State governments provide a similar 30 percent.

What I am suggesting here is, to amplify for a second, that, after you adopt whatever formula you come to as a result of your hearings regarding lifting of the ceilings on individual plants and the total appropriations, that perhaps you might consider a special category as an incentive to States to join with you and the localities in sharing in the cost. This will obviously accelerate the program.

So if a State is willing to match the Federal Government on a 30-30 basis with the local community then picking up 40, that you give some recognition to that by removing in those cases the present limitations, ceilings, on the Federal share of the projects.

We are also requesting legislation to authorize reimbursement from future appropriations by the Federal Government of States which match and which prefinance the full 30-percent share.

In other words, if a State went more rapidly than the total Federal program, total Federal allocation would permit it to pick up the full 30 percent, that the State would be able to collect that money later as future appropriations came along.

Our feeling is, ladies and gentlemen, that it is very important to speed up this program. We would like to do it in 6 years in the State of New York. And it is obvious that the Federal Government is not going to be able to put up annually an amount that would permit the correction of this problem nationally in 6 years or anything like 6 years.

However, if there could be a provision in your law which would permit a State to prefinance Federal appropriations so that the State could do this job in a 6-year period as we are suggesting, and then over a 20-year period, let us say, collect payments that had already been made by the State for the Federal Government, this would be a very encouraging and helpful step as far as acceleration of the correction of this problem of water pollution.

State payments will be contingent upon submission to and approval by the people of New York State this November of a referendum authorizing the issuance of \$1 billion in State bonds to finance the program.

And I might say that in connection with this program there has been universal editorial support throughout the State, both in the heavy city areas and the upstate areas. There has been a tremendously enthusiastic response on the part of the people, and there has not been one unfavorable letter or one unfavorable editorial, which is unusual for any program, and particularly for a program of this size.

Thus, the new bonds will make immediately available 60 percent of the full amount necessary to overcome the backlog of needed works and to meet new needs through 1970 in the State of New York. To avoid the necessity of waiting for the Federal funds to become available, the State will advance, if necessary, the full and proper Federal share of project costs with eventual reimbursement from future Federal appropriations.

While the implementation of this program will require action by the State legislature and the approval of a referendum by the people of the State of New York, as I mentioned, the public response to this program has been very encouraging.

The program I have recommended represents the kind of responsible State action, in partnership with the Federal Government, that is necessary for a viable Federal system. In my judgment, such assumption of State responsibility should be encouraged and supported.

To encourage the States to take action such as I have proposed in New York, and to mount a realistic attack on the outstanding construction needs in this vital field generally, I suggest consideration of the following changes in the present construction grant programs under the Water Pollution Control Act. And I now will cite briefly the specifics of the recommendations.

First, I recommend that the formula for allocating total Federal funds among the States be revised to make allocations solely on the basis of population. This means elimination of the present per capita income factor on the basis of which 50 percent of the appropriation is now allocated.

Second, the existing provision limiting to 50 percent the amount of the total Federal funds which may be granted to communities of more than 125,000 population should be eliminated.

Third, I recommend that the dollar limitation on project grants be substantially increased. The increases proposed in H.R. 3988, to \$2 million for single municipalities and \$6 million for joint ventures, are certainly major steps in the right direction.

Fourth, where States provide grants to localities for construction of eligible projects, an extra Federal grant should be provided to match the amount by which the State exceeds the basic Federal grant for the project, with a maximum total Federal contribution of 30 percent.

As an example, where a State contributes \$3 million to a \$10 million eligible project for a single municipality, the Federal contribution would consist of two parts:

A basic grant of \$2 million in accordance with the dollar limitation proposed in H.R. 3988; and an additional grant of \$1 million equaling the amount by which the State grant exceeds the basic Federal grant.

The effect of this provision would be to remove the dollar ceiling on Federal grants, up to 30 percent of the project cost, to the extent that State grants exceed such a ceiling.

Fifth, I would recommend new language be inserted to provide for Federal reimbursement to a State from future Federal appropriations where such a State advances all, or part of, the combined Federal contribution to the cost of an eligible project.

Sixth, I further recommend that the yearly authorization for the Federal grant program be increased from the present \$100 to \$250 million. This authorization should extend for a 20-year period to provide assurance of continuation and thus encourage State action.

I might say that, if New York State were to get 10 percent of a \$250 million program, that on a 20-year basis we would get \$25 million. On a 20-year basis this would permit us to go ahead with our program and get the money back at the end.

Together, these suggested changes would provide the basis for an effective solution to a mounting national problem, making the Federal program more responsive to the national need, and go far to encourage States to assume their responsibilities under the Federal system.

Another important part of the program I have proposed consists of tax incentives to encourage and help industries to construct the treatment facilities needed to end industrial water pollution where industrial wastes are not included in municipal systems. I believe each level of government has a role in providing such incentives.

I have recommended State legislation to provide for exemption of such industrial facilities from local real property taxation. I think that is an important move.

I have also recommended to the State legislature the provision to industry of the option of a 1-year writeoff under the State corporate franchise tax for the cost of building such facilities.

I have suggested that the Federal legislation should play its part through providing industries with a similar option under the Federal corporate income tax.

In summary, gentlemen, I believe that we must act immediately and decisively to eliminate the huge backlog of construction needs that stands as an effective bar to efforts to end water pollution.

The longer we wait the greater will be the cost in health, in recreation, in beauty, in economic development, and in ever-increasing amounts of cash on the barrelhead for the facilities you must have.

The sooner we act to eliminate the problem, the sooner we will reap the benefits of our actions in all of these vital fields.

Again, Mr. Chairman, I would like to thank you and the members of the committee for the invitation to be here and also for the work that you have done in this pioneering field in bringing to the people of this country an awareness of the problem and the making possible of Federal assistance for the solution of the problem which is beyond the capacities of the local communities.

Thank you very much, indeed.

Mr. BLATNIK. Governor, we thank you on behalf of the entire committee. This is certainly a constructive, bold and sweeping, head-on approach, and obviously a very well considered approach, to meet this problem.

Governor, you have mentioned the grants as aids to encourage and assist communities to undertake construction of pollution-abatement facilities.

You have mentioned, as well, the tax incentives to urge industry to undertake construction of similar facilities. You do not make any reference to enforcement. Could you give us a summary of the enforcement program in New York?

Governor ROCKEFELLER. Yes, sir.

Mr. BLATNIK. That was the comprehensive concept we provided in the Federal Water Pollution Control Act. We provided grants, and technical assistance to municipalities and State health agencies. We also provided for cooperative enforcement programs.

What enforcement procedures exist in your State? Do you have any recommendations, on the basis of your studies, of any additional enforcement procedures or authority that may be required or necessary?

Governor ROCKEFELLER. Mr. Chairman, I took the liberty of asking Dr. Hollis S. Ingraham, who is commissioner of public health of the State of New York and who is the man responsible for the State health program, to come with me. And if I may, I would like to ask him to join me at this point, and then to supplement what I might say on this subject. Would that be all right?

Mr. BLATNIK. Surely. Doctor, would you please take a chair. For the record, would you give to the reporter your full name and title, Doctor?

Dr. INGRAHAM. Mr. Chairman, I am Hollis S. Ingraham, State commissioner of health serving under Governor Rockefeller.

Mr. BLATNIK. Governor?

Governor ROCKEFELLER. Perhaps the doctor can amplify; as he is responsible for the enforcement program, perhaps he could give a more concise statement on the subject of our laws, the enforcement procedures, and the results.

Mr. BLATNIK. Would you summarize what enforcement procedures now exist, Doctor? How effective is it, in your opinion, and what, if any, changes may be recommended to round out the grant and tax incentive program proposed by the Governor?

Dr. INGRAHAM. Yes, sir.

Since 1949 the existing water pollution law has been in effect. Under the provisions of this law the entire State has been surveyed as to the best uses of the waters of the State, whether for drinking water, for bathing, for fishing, for recreational uses, for industrial uses; and, after the survey is made, recommendations are made to the water resources commission as to the best uses; a public hearing is held for each segment of a waterway, so that the citizens and the industries and the municipalities concerned may express their views as to the best uses of waters. Thereafter, the classification system is adopted.

Since 1949 all of the waters of the State have been surveyed and the recommendations as to classifications have been prepared, but a certain small percentage is still to be adopted by the water resources commission. It is expected that will be entirely completed during the present year.

Under this law, any new sources of pollution can be effectively enjoined by direct court action by the department.

However, existing pollution, that is, pollution existing prior to 1949, must be abated by a very methodical and somewhat time-consuming type of approach.

Our approach in each instance is to ask for voluntary compliance for sources of pollution that existed prior to 1949. This takes in, of course, practically or essentially all the municipalities of the State.

Progress is being made with regard to this. In the last 4 years, \$100 million has been spent by the municipalities of the State in abating pollution. However, this is not rapid enough. The great problem, as Governor Rockefeller has pointed out, is the lack of a tax base in the municipalities who have this primary responsibility.

However, before any action is taken, a public hearing must be held, even though the violation of the stream standards is obvious. Once a public hearing is held and a determination is made, then an order is issued by the State commissioner of health. This does not become effective for a year. This is part of the deliberate judicial process.

At the end of the year, if the municipality or the manufacturing plant does not feel that it can comply, it may appeal to the water resources commission, and it may show reasons why it is difficult to comply either because the technical knowledge is not available or because of financial hardship. And delays may be granted then by the water resources commission if it appears wise, in its view, for a period of up to 5 years. Thereafter, this may be taken to the courts, where similar delays may occur.

So that, under the existing law, although great progress is being made, it is possible for recalcitrant municipalities or recalcitrant manufacturing industries to delay for considerable periods unless there is a clear threat to the public health, in which case court injunctions may be taken at any time.

Now, this, of course, means whether or not there is a likelihood of epidemics occurring. Wherever this occurs we can get immediate action. But the type of pollution that interferes with fishing, that may interfere with bathing, that may produce grave esthetic defects, can be delayed for some periods of time. Now, this was deliberately designed in the law so as not to create financial hardship.

And, although we are making progress, if we are to move speedily, there does need to be more money available.

The tax base in this country is not adequate to take care of the tremendous costs involved to a municipality, the various municipalities, in abating pollution. The cost in some instances, where old communities are in difficult terrain, where industries have declined, is simply beyond the possibilities.

There is a need for participation by the State and by the Federal Government. With this participation, with the participation that is expected in New York State under Governor Rockefeller's program, and with a slight tightening of the laws, which is envisaged to do away with these delays that are permitted, we are convinced there will be no problem in getting very prompt abatement of pollution. We are confident, with the money available that is requested here, that within the 6-year period we can literally transform the waters of New York State.

Mr. BLATNIK. Thank you, Doctor.

Any questions on my right? Mr. Wright.

Mr. WRIGHT. Thank you, Mr. Chairman.

Governor Rockefeller, I think that your suggestions are exciting to the committee. Your recommended program is considerably broader in scope, quite considerably more ambitious and ultimately would be considerably more costly than the one envisioned in the bill which is presently before us. That does not necessarily lie as a criticism in any sense to anything you recommended, because ultimately I expect we are going to have to face up to the fact that pure water, where and when we need it, is worth just about whatever it costs us to get it.

But with respect to your suggestion that we abandon the project limitations regarding the Federal contribution for any given project, I note that the six costliest projects which early in your testimony you identified come to a total of some \$170 million between them. So that, if the Federal Government were to abandon its limitations on contribution and match a full one-third of the costs of all such projects wherein

the State is also matching, we could well see at least half the total national \$100 million authorization being used on six projects alone.

Now, I am willing to concede, and quite probably most of the members of our committee are willing to concede, that ultimately this fight against pollution is going to cost a lot more money than we are putting into it, since we are not really winning the battle even in spite of the foresighted efforts of Mr. Blatnik and the others. But I think probably our limitations on participation in an individual project were not initially designed to discriminate against large areas or big municipalities on the erroneous theory that they are rich and wealthy—and we know that they are not—but, rather, to permit the dispensation of what moneys we had over as wide as possible so as to perform some needful works on all the streams of the country, rather than just concentrating them on one or two.

You made reference to a figure in which you declared that 87 percent of the population resides now in urban areas. Was this figure intended to apply to the State of New York or to the Nation as a whole?

Governor ROCKEFELLER. I think that is New York, but I think the figures nationally are coming very close to that, and very rapidly.

Mr. WRIGHT. Yes. What you have now may be portent of what most of the Nation is likely to have within a relatively few years.

Governor ROCKEFELLER. Exactly.

Mr. WRIGHT. Did I understand that you have recommended, and that the State legislature has adopted, legislation raising the permissive bonding capacity of municipalities?

Governor ROCKEFELLER. Yes.

Mr. WRIGHT. This has long been a bottleneck; has it not?

Governor ROCKEFELLER. Exempting them from the present debt limits for a 10-year period only.

Mr. WRIGHT. Voluntary compliance, Doctor, was your term with respect to existing sources of pollution, whereas you characterized the effort to abate new sources of pollution as enjoined offenses. It would be from a practical standpoint almost impossible to enjoin existing pollution; would it not?

Governor ROCKEFELLER. Yes.

Mr. WRIGHT. I mean you could not just say to a municipality or to an industry that is polluting a stream: Cease and desist, do not pour any more of this effluent into the stream, because there is no place else for it to go, I guess; is there?

Dr. INGRAHAM. That is entirely correct, sir. And the only way you can enforce something is to offer them financial help.

To take the city of Troy, which is opposite Albany, right where we live, here is a city of approximately 80,000 people. They are spread out along 9 miles of the Hudson River. Every stream runs down to the Hudson, and every street does. And in every street there is a sewer running down.

Now, in order just to collect the sewage from this city of 80,000—which has fallen onto ill days, it was a prosperous city some years ago—it would be necessary to blast through solid rock for approximately 9 miles along the waterfront and put in an intercepting sewer before you even start to treat it.

Now, to enjoin this city to cease and desist from pouring their sewage out, to tell them that they must build a plant costing approximately \$10 million, without offering them some help, is more or less a waste of legal and scientific effort.

Governor ROCKEFELLER. I think, if I may interrupt, Congressman Wright, that that goes right to the heart of our problem, that it is a political reality that these communities, if we force them through laws, if we tightened up, as the chairman's original question was—tightened up the enforcement laws to a point where we could say to a city: Well, we could not say you cannot dump your sewage in the river; we can say to them: You can build no more houses, you can add no more additional sources of sewage to your system.

We could say to an industry that they have got to stop. We would lose the industry; they would move from the State, or a great many of them would that could not afford to take this whole thing. And the communities would be faced with assuming debt and raising taxes at a rate which, in our opinion, would be a political unreality for those communities. If they were forced legally, it would cause chaos.

Therefore, we have reluctantly come to this program after 6 years of attempt, in order to meet a reality which I think most of the citizens of the State want to meet.

Now, you very wisely pointed out that in the six big projects which are pointed out there it would take half the money, and that that was why you had limited, with a project ceiling, the amount so as to spread this out and get as wide coverage throughout the country as possible.

What I am trying to suggest here today is a new dimension to your formula, which would make possible the same thing you have achieved in the past by limitation on a project, but would permit at the same time a State that wants to go ahead fast and do what your objective is—to carry out this program but do it fast, in order to make it a reality for all at the same time—that we make a provision which is in the present laws in a slightly different form relating to the Interstate Highway System, so that this is not a new concept. The provisions of the present Interstate Highway System are such that a State can prefinance the Federal share of construction by going more rapidly than the Federal Government under its allocations and selling bonds against that, and then, as the Federal money comes along, those bonds can be paid off through Federal appropriations.

Now, we have tried to take that concept and apply it here to your water program. Now, you can say: There is a difference, that there is a trust fund in the case of highways and the money is put into a separate fund. Well, that is true. That gives greater assurance to the States that the Federal will pay. But I think the history of this committees' actions and of the Congress actions is such that there is every likelihood that you will continue to appropriate money annually, and that those funds probably will be increased, because, as the problem becomes greater, so does your effort just as the hearings now.

Therefore, we try to take these thoughts and combine them in the concept of the highway appropriation act, the Interstate Highway Act, and prefinance Federal payments in the water field by a State bond issue.

Now, this would mean that you could have the limitations in the amount going to any State, which would do what you are talking about. I am suggesting instead of 5 percent for a State which has half the population, that it be on a population basis, so it would be 10 percent for us. They would take 10 percent of the population. And you would not pay annually any more than that 10 percent, but we could be building up credit so that we qualify.

We do not want to get ourselves in the same position we did on the throughway in New York, where New York State built, on a toll basis, a throughway and is paying for it itself. But we cannot get any credit for that, because the State was moving a little ahead of the Federal approach to the problem.

Now, we are trying to say to you gentlemen here: Is there not some way where we can do what you are trying to accomplish, do it fast and still keep the door open so that later your payments will come to us on a basis which will reimburse over a period of years for the more rapid action?

And when you said that our program would be more costly, the New York program, true; it will be more costly now, but we find that construction costs are going up at the rate of 4 percent a year. I do not know whether that is true nationally, but it is true in New York. And, therefore, we figure that that is less than the interest on the money that we can borrow.

So it is cheaper for us to borrow the money and do it now, and we save money over a long delayed action program, and the present generation would benefit.

Mr. WRIGHT. Mr. Chairman, I just have one more question.

Mr. BLATNIK. Mr. Wright.

Mr. WRIGHT. Because some of the other members will surely want to question the Governor.

Let me preface it by the comment that your suggestion for the establishment of a new automated water-quality monitoring system is an approach which I think is worthy of our consideration. But in that connection, Governor Rockefeller, do you entertain any apprehensions regarding the proposal that we would establish certain Federal standards to be administered federally with regard to interstate streams?

Governor ROCKEFELLER. Well, I certainly have no objection to Federal standards where States do not have standards that conform. On the other hand, we feel that where a State is meeting its responsibilities and has the capacity and the desire to enforce standards which are equal to if not greater than the Federal Government, that we as States should have the right to carry out those programs. I cite as a case in point: I think New York State was the first State to negotiate with the Atomic Energy Commission the right to control the use of fissionable materials. Now, we have got legislation now in the State. We have got an office of atomic energy. And the State is now enforcing a large share of the laws relating to the use of atomic energy. We do this as part of our regular enforcement program.

I think to the extent that a State with all the mechanisms can carry out a program within the framework of the standards established by the Federal Government it is cheaper and easier for the State to do it and preserve local home rule, which we very strongly believe in.

The department of public health has many functions in all of these

areas, and it is very easy for them to carry on this function along with its other functions and do it at a lower cost.

Mr. WRIGHT. Thank you very much, Mr. Chairman. I think the Governor's testimony has been very thought provoking and is characterized by more vision than we have been accustomed to hearing.

Governor ROCKEFELLER. Thank you, Congressman Wright. I appreciate it.

Mr. BLATNIK. Mr. Jones.

Mr. JONES. Governor, I am interested in item 5, on page 5 of your statement. You suggested that this be a parallel program to the Federal highway program. Will you go into the mechanics in more detail as to how these programs shall be accepted by the Federal departments?

Governor ROCKEFELLER. Well, I recognize the problem which Congressman Wright said, that, if all ceilings were removed, you would have a very hard time in knowing how to allocate the money, because there would not be enough, and there would be more projects. Therefore, our thought was that you preserve whatever ceilings are established as a result of these hearings and the hearings in the Senate and the action by the Congress. And that those be the limitations, the ceilings on individual projects. However—

Mr. JONES. In the form of contracts such as you have with the Bureau of Public Roads?

Governor ROCKEFELLER. Well, I was taking first your ceilings as to the amount of the money; then I am coming to the second part of it, which would be the exception.

So that you continue your basic program as now exists with either a \$1 or \$2 million ceiling on an individual plant. Now, if that project—and I show here some of the counties which have costs that go away over anything that would be matched to show you the magnitude by counties of these programs. If there was a \$10 million project, as I mentioned in this report here, testimony, we would get—say you had a ceiling that you are now discussing; we would get \$2 million on that project. But the Federal 30-percent share would be \$3 million. So there would then be, for a State that matched the Federal participation dollar for dollar, which is 30 percent; we would then match the full 30 percent with State money, which would be \$3 million, and we would get an additional \$1 million from the Federal Government for our matching of that additional amount. So that it would be the \$3 million instead of the \$2 million.

Now, you would not have the money, let us say, because of the appropriation; but we would get credit as an account, or a debt due, payment due from the Federal Government. We would finance that, the State would, by the issuance of bonds and the payment of \$1 million to the local community. And then later, as your payments came along and we did not have as many projects, so no use paying up back debt to the State or back payments, we would then get our money from the Federal Government.

Mr. JONES. Do you think that will lend itself to uniformity of a national program? For instance, the State of New York would be in the fifth year, and some other State could be in the first year.

Governor ROCKEFELLER. Exactly.

Mr. JONES. So, therefore, your whole program would be out of kilter; would it not?

Governor ROCKEFELLER. No. Because this bond issue that I have recommended would make possible the State financing the \$513 million of Federal share. We could finance that whole thing in 6 years, even though you might only pay us \$30 to \$40 or \$60 million. And then little by little you would be paying us \$30 or \$40 or \$50 million each year. Little by little we then would pay off those bonds out of Federal money.

This is the way really that the Federal Interstate Highway program goes.

I think there are a few States like our own who have pushed our highway program more rapidly and who are anticipating payment by Federal Government so that we just sell bonds or use cash to anticipate your future payments.

Mr. JONES. Under item 6 do you propose that the present amount be raised to \$250 million? Under our calculations, for a 6-year period \$250 million would be \$1.5 billion. Of that amount the State of New York would receive \$531 million. That would leave the rest of the country with \$969 million for that program.

Governor ROCKEFELLER. Congressman Jones, that is where the limitation which you have, the amount, total amount going to any one State, would come into effect. The way it is now, New York State can only get 5 percent of the total. In my opinion, because of the fact that these costs are very high in the heavily industrialized and urbanized areas, I think it should be on a per capita basis. If the money were allocated on a per capita basis, the total, we would get 10 percent of the total.

So that on the billion—whatever it was you had there.

Mr. JONES. \$1.5 billion.

Governor ROCKEFELLER. \$1.5 billion, we would get \$110 million in that period. And I think that way you would protect even division of the money on a population basis, and you would protect the distribution to the individual projects by whatever ceiling you had. But you would encourage States to match the Federal money by making the provision where they could build up credit for the future by anticipation of—

Mr. JONES. Now, Governor, all the streams in the State of New York and east of the Appalachian areas are one State operation.

Governor ROCKEFELLER. Most of them.

Mr. JONES. Therefore, it does not bring it to the sea, the tremendous problems of enforcement such as we have on the Monongahela, the Ohio, the Mississippi.

Governor ROCKEFELLER. Mississippi.

Mr. JONES. Where you have 27 States involved, to accumulate and hoard among those States to carry out the strong and comprehensive program of cleaning up their stream.

Now, as I recall, so far, Doctor, you have not had a single court case in your enforcement; have you?

Dr. INGRAHAM. Yes, we have had court cases. The constitutionality of the act has been tested. And we have brought a number of smaller municipalities into court. And Utica is in litigation at the present time. They have indicated that will stipulate.

Mr. JONES. Well, do you feel like your enforcement activities have been sufficient enough to arrest the effluents from industrial wastes?

Dr. INGRAHAM. We have been able to keep abreast of the growing problem of water pollution due to increasing population, increasing technology. We have not been able to make as rapid a progress toward cleaning up the waters of the State as we wish; no.

Mr. JONES. Well, do you think under your present procedures you ever will?

Dr. INGRAHAM. I believe if we have more money to offer the municipalities, we can, even under existing procedures than we are asking—

Mr. JONES. Your enforcement procedures, now—

Dr. INGRAHAM. We are asking for a little quicker activity as far as enforcement procedures are concerned, and this will come before the legislature during this session, I believe.

Governor ROCKEFELLER. Congressman Jones, may I comment there for a second?

Mr. JONES. Yes.

Governor ROCKEFELLER. Thank you, sir.

If we had stricter laws and were able to force the total \$1,700 million expenditure on our local communities with no State participation, under the present limitations and the Federal participation to \$500 million a year, which is what we get, I think it would cause absolute chaos to local governments in New York.

Mr. JONES. I am not thinking, Governor, so much of the municipalities, because the only case the Doctor refers to is a municipality. Now what about industry? Now, do you have some more continuous court consideration? You never come to any conclusion as to whether the pollutant is halted or stopped.

Governor ROCKEFELLER. In that area we have got two basic problems. One is we have a large number of relatively small paper mills, who are big offenders but important employers in upstate areas.

We also have various chemical plants. Frankly, we could very easily close down a lot of those companies and force them out of business, unless we are able to find some way of helping in the solution of that problem.

Mr. JONES. Well, as a matter of fact, under the 1949 dateline that you have, you have in effect a "grandfather's clause" in it?

Governor ROCKEFELLER. That is right, exactly.

Mr. JONES. Is there anything being done to remove that prohibition against proceeding against the violators?

Dr. INGRAHAM. Legislation is being proposed which would have that effect of making it possible to get prompt court action for the preexisting violators.

And I may say that industry on the whole in New York State—

Mr. JONES. Well, Doctor—

Dr. INGRAHAM (continuing). Has done a great deal.

Mr. JONES (continuing). If you are not going to move uniformly in your State, how would you expect to proceed against a municipality and you are going to permit an industry to continue to be a violator?

Governor ROCKEFELLER. We want to move uniformly, but we want to have the money so that we can move in a way that will be protective of our industries and our municipalities and realistic in terms of the financial capacities in meeting the problem which is a broad community problem, a State problem, a national problem, as well as an individual municipality or industry.

Mr. JONES. Well, Governor, this bill only goes to the aid and assistance of municipalities. What about industries? I know you make a suggestion we have some tax——

Governor ROCKEFELLER. That is right.

Mr. JONES (continuing). Schedule that will permit them a great opportunity to recoup the improvements that they require.

Governor ROCKEFELLER. Congressman, there are three facets to that. One would be a 1-year writeoff against State and Federal taxes. We can deal with the State tax situation. We have already done that for research industry. I mean research operations of industry to attract research. We give them a 1-year writeoff for whatever expenditure.

Secondly, is to remove the approved expenditures from local real property taxes, which is a very important incentive. We have done this already in connection with fallout shelter expenditures by corporations to encourage them in that field.

Thirdly would be low-cost loans to help those industries which have actual financial need. This we have done already in the job development authority, where the State has the right to loan money at a 3-percent interest rate.

Mr. JONES. Would you have an objection if the Small Business Administration was encouraged to make loans for these purposes?

Governor ROCKEFELLER. I would be delighted.

Mr. JONES. Do you think that would be of any benefit or help?

Governor ROCKEFELLER. It depends a little on the interest rate, but it certainly would.

Mr. JONES. Well, you are going to pay the interest on those loans you get in the future, so I guess they could afford the same proposition.

Governor ROCKEFELLER. Well, sometimes, if you excuse me, Congressman, it is cheaper for us to do it in our own State ourselves than it is to have it done on a national basis, because for every dollar you get back it costs us \$2.

Mr. JONES. I am talking about industry, small industries that might be violators instead of giving a tax writeoff, because this committee does not have the authority——

Governor ROCKEFELLER. No.

Mr. JONES (continuing). To legislate in the field of taxes. So we could recommend to the Small Business Administration that they make loans——

Governor ROCKEFELLER. Excellent.

Mr. JONES (continuing). For these smaller businesses on such terms and arrangements that they could pay it back within an extended period of time and wait until such time as we get a tax gimmick to correct the problem.

Thank you very much.

Governor ROCKEFELLER. I think that would be excellent.

Mr. BLATNIK. We will alternate so as to give each side an opportunity to question.

Mr. Harsha from Ohio.

Mr. HARSHA. Thank you, Mr. Chairman.

Governor Rockefeller, first I want to commend you on your very thoughtful and able presentation, and I think that, if all the States would have the vision that you have demonstrated here and the grasp

of realities, that in all probability this problem would resolve itself in the not too distant future.

However, you have pointed out in your statement and relied to a great extent on a Federal, State, and local participation, and by the very fact of your formula of 30-percent State, 30-percent Federal, and 40-percent local participation, you have indicated that this is a local problem predominantly.

Governor ROCKEFELLER. Right.

Mr. HARSHA. And is a partnership problem.

Governor ROCKEFELLER. Right.

Mr. HARSHA. With the major portion probably being accepted by the localities.

And I think by this formula and your presentation that you have adopted a position that is in the water pollution control law now, and that is that it is declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution.

Now, the bill before us now, S. 4 and related bills, seems to completely reverse the situation and authorizes the preemption of this field of water pollution control regulation by the Federal Government, and in effect would render null and void this partnership and primary responsibility of the localities and States. And that is in section 5. And I want to assure you that we on this side of the committee are deeply interested in the control and eventual abatement of pollution as you are.

However, sometimes we differ in the means by which we will accomplish this objective.

But section 5 of this bill, S. 4, says:

In order to carry out the purposes of the Act, the Secretary may, after reasonable notice and public hearing and consultation with the Secretary of the Interior and with other Federal agencies, with State and interstate water pollution control agencies, and with municipalities and industries involved, prepare regulations for the standards of water quality to be applicable to interstate waters or portions thereof.

Then it goes on to say, in section 3, that—

The Secretary shall promulgate standards pursuant to the previous section I just read you, if within a reasonable time the States fail—

in substance, the States fail to develop standards found by the Secretary of Health, Education, and Welfare to be consistent with this previous paragraph.

In other words, an ultimate decision rests in the Federal Government to determine whether or not the State has acted as the Federal Government feels it should have and whether or not the standards are what the Federal Government believes they should be.

Now, this in effect, the way I look at it, completely preempts the field and takes away from the States and the localities this right of establishing standards and this procedure you have in New York of determining what uses the water shall be granted, and would in the ultimate let the Federal Government determine what uses shall be made of these waterways.

Now, I would like to know what your position on that section of the bill is.

Governor ROCKEFELLER. Well, Congressman, we are very fortunate in New York in one sense, that most of our rivers, as the chairman mentioned, are within the State's borders, so we do not suffer from the problem which many States do, where even if they act, a State upstream by not having a standard can completely nullify their action.

Therefore, I can understand the concern of the Congress to establish certain national standards which will protect States from adjoining States who do not have a concern for the problem.

However, I feel very strongly that there should be national standards which are absolute and where a State complies to those, that it should have the right to have higher standards, to enforce these standards, and their own standards, and to carry out their own business, and only in the event of failure on the part of a State would the Federal Government then have its standards apply to that State.

Mr. HARSHA. Do you mean, then, that you would recommend that the Federal Government have a minimum of national standards, some sort of minimum with which every State must comply?

Governor ROCKEFELLER. Well, I do not see how, if this problem increases at the rate that it has in recent years—and I use the Hudson River as an example—if we wanted to carry out this program in New York State, and if half of the upper half of the Hudson River were in another State, we could spend this money, we could take this action, and it could be nullified by another State which had not complied, because either they did not have the money or the desire or whatever it was.

Mr. HARSHA. Well, I think, is not the present program of interstate compacts designed for facilities of that sort?

Governor ROCKEFELLER. Again, you are right—

Mr. HARSHA. Designed to eliminate this problem?

Governor ROCKEFELLER. You are absolutely correct there. And we have entered into a compact—the Delaware River Basin, on the initiative of the States involved, bipartisan, where we are relating and carrying out our own programs as States. But there again, we took the initiative in meeting our problem.

I am only trying to anticipate what happens to a State that is downstream from a State that does not care to or has no program to protect the situation you refer to.

I would prefer to see the whole job done by the States. I think it can be. I believe very strongly, if we want to preserve States' rights, we have to assume States' responsibilities.

And I think the Federal Government has a responsibility to encourage; as the chairman mentioned, the carrot on a stick makes a pretty good combination sometimes. How that can be done and preserve those responsibilities of the States is something which I think that you as members of the committee who have been studying the problem could state more effectively than I can, having dealt with the problem primarily as a Governor who is concerned for carrying out the responsibilities of his own State.

Mr. HARSHA. Well, now, if the Congress should adopt the proposals that are in S. 4 and related bills, the Federal Government then would have a responsibility of developing standards throughout the interstate waterways and portions thereof throughout the United States. And I believe the Secretary, Assistant Secretary of Health, Education,

and Welfare recognized the fact that there would have to be multiplicity of standards on the same river because of the varying conditions that exist.

Governor ROCKEFELLER. That is right.

Mr. HARSHA. From town to town and from area to area.

Now, this in itself is going to create a multiplicity of problems, a tremendous effort of policing and diagnosing river conditions; is it not?

Governor ROCKEFELLER. Yes.

Could I ask the Doctor to speak on this subject?

Mr. HARSHA. Surely.

Governor ROCKEFELLER. Because he has actually been carrying out this program.

Mr. HARSHA. Certainly.

Dr. INGRAHAM. I think we feel rather strongly that all waters within the State where their best use should be determined by the State, providing, of course, that the effluent as it leaves the States does not infringe upon the rights of the State below it; but we think that where there is a State agency which is well concerned and knows the uses of the water and has had hearings and the citizens are satisfied that this should be left to the States concerned, that it should not be possible for a power, the Secretary or someone else, arbitrarily to determine that all the waters within a State should be only trout streams and ban all industry from it.

This is the type of power that we do not think should not reside in the Federal Government.

Mr. HARSHA. Well, now, the definition of interstate waters in the existing act means all rivers, lakes, and other waters that flow across or form a part of State boundaries, including coastal waters. In other words, then, under this proposed legislation the Federal Government could establish standards for water quality in the waters adjacent to Long Island, for example. Would you prefer that situation, or what are your views?

Governor ROCKEFELLER. We frankly feel that there should be, not as one might say, manmade standards where, as you point out, an assistant secretary can come in and arbitrarily, on his own, make standards, make provisions, but that a State should be able to live within the framework of certain broad Federal objectives, and then we have the responsibility, the right and the authority to carry them on.

If we are delinquent, that is another thing. But if we are not, we would like to preserve that authority, and I think that we can do a better job, more closely adapted to the needs of the local communities, and I think that this goes to the very heart of the whole Federal system of shared sovereignty and shared responsibilities.

Mr. WRIGHT. Would the gentleman yield to me for a question along that line?

Mr. HARSHA. Certainly.

Mr. WRIGHT. Governor, I do not know whether you have had the opportunity to study in any detail the proposed section 5 of our bill; this has provided a bone of contention among the members of the committee and witnesses who have testified before us, and, as you can appreciate, it is a somewhat difficult situation for all of us in attempting at the same time to protect the public health of the Nation, to protect downstream States from depredations by their upstream neighbors,

and in the meanwhile to preserve and protect the historic rights and prerogatives of the States.

Governor ROCKEFELLER. Right.

Mr. WRIGHT. Do I understand your basis to be that you feel the Federal Government might appropriately make some minimal requirements for the public health on a realistic basis, recognizing the varying characteristics of the varying streams but then that the States themselves should not only be permitted but encouraged to improve the standards within their borders above and beyond this minimum necessary amount that the Federal Government would enforce?

Governor ROCKEFELLER. Well, Congressman Wright, I like your objective. And I would like to ask Dr. Ingraham, who is familiar with the law in this field, as to whether this can be done on the basis of law and not on the basis of an interpretation by, as you say, as assistant secretary of a department. If it can be done by law, I think that this has tremendous merit.

Dr. INGRAHAM. Well, I think there are several ways this can be approached. One, of course, is more or less provided under existing law, whereby the State is required to come up with a plan for how they are going to deal with their pollution, which is subject to review by the Secretary before money is received, grants-in-aid.

Governor ROCKEFELLER. That is right.

Dr. INGRAHAM. This is entirely satisfactory, of course.

Another way is to set standards for the stream as it emerges from the State so it will not be deleterious downstream.

What we do object to is having some outside agency or the Secretary, or any other person, to determine, section by section, standards of a stream within a State. We believe this should best be done by the State group who is most familiar with the needs and who has planned for the development of that area.

The development of a State should be determined by the State itself to a large extent, as I see it, unless it infringes upon the rights of the adjoining States.

Now, it is perfectly possible if you control the water resources of a State to determine the entire future course of industry and agriculture within that State. And it seems to me that this is an area in which, under our Federal system, there should be some discretion left to the individual States.

Mr. WRIGHT. Bill, may I infringe upon your time to ask one more question?

Mr. HARSHA. Surely.

Mr. WRIGHT. I have taken up more time than I should; but in getting at this crucial problem that you have directed your questions to, I would like to ask the doctor: As a technical matter, since we are thinking in terms of possibly arriving at some basis for determining the quality of the effluent as it emerges from one State into the territorial waters of another, how effective are these new automated water-quality monitoring systems? Is there a device known whereby you can place some sort of a monitor in the stream and thereby gage the amount of pollution in that stream at that point?

Dr. INGRAHAM. Well, of course, this has been done for a long time on simply picking up a sample mechanically and analyzing it, and we are doing that. Within recent years there have been developed

monitors which can measure a number of qualities. They can measure the electric conductivity, which will give some indication as to whether or not there has been a big discharge of fertilizer or salt or some conducting material into the stream.

You can get them to measure the oxygen demand, the pH—I believe that approximately eight different qualities can now be measured and monitored, which will give you a very good idea as to whether something, some drastic change, has occurred, where there has been a gross discharge of pollution of some sort, whether from a municipality or from an industry. And we expect to place a number of these into operation in the next few years.

I think there are one or two of them being operated at the present time; two, I believe, by the Interstate Sanitation Commission in New York Harbor. The Ohio River Valley Commission has been operating several now for, I believe, about 3 years.

This is in the process of development. And with regard to certain parameters that can be measured, they are highly desirable. It is hoped that the number of additional measurements can be made as technical expertise is developed.

Mr. WRIGHT. Thank you.

And thank you, Mr. Harsha, for yielding.

Mr. JONES. Will the gentleman yield for just one question?

Mr. HARSHA. Certainly.

Mr. JONES. How many monitored stations does the Geological Survey operate in the State of New York?

Dr. INGRAHAM. I am sorry, sir; I do not have that figure in mind.

Mr. JONES. Do you know how many monitoring stations the Public Health Service has?

Dr. INGRAHAM. No, sir; I cannot give you any exact figures on these.

Mr. JONES. Could you give us any estimation of the ratio of federally monitored stations as compared with those that are operated by the State?

Dr. INGRAHAM. We are taking samples from approximately 40 different places in the State more or less continuously at the present time. These are not mechanical monitors but ones that we monitor on a routine basis. And we expect to expand this considerably over the course of the next few years as part of our enforcement, increased enforcement activities.

Mr. JONES. Are you using Honeywell monitoring stations?

Dr. INGRAHAM. We do not actually have any in operation at this time. We have requests in for putting in a series of monitors, but we plan to do this over the course of the next 5 years, and we are asking, I think, only for three during this next year in order to gain greater experience and to get some of the difficulties out of the way before we go into a very large scale program of mechanical-electronic monitoring.

Mr. JONES. What percentage of the data that comes to you for analysis is supplied to you by a Federal agency?

Dr. INGRAHAM. This is a relatively small proportion compared to what we gather with our own engineers. I cannot give you an exact figure. It would be highly misleading.

Mr. JONES. Thank you very much.

Mr. HARSHA. Just one final question.

Mr. BLATNIK. Mr. Harsha.

Mr. HARSHA. I certainly share with you the view that localities and States are best able to determine the uses to which water within their States should be placed, but I am concerned about this phrase "inter-state waters or portions thereof." Ultimately every watershed becomes a portion of some interstate water system.

Now, I am wondering if you would have your staff, who is familiar with this enforcement problem and the standards, review section 5 of S. 4 and make some recommendations and send them to us as to how this could possibly be amended to make sure that the ultimate uses of the waters within your State are determined by the State so that these standards you will finally determine rather than the Federal Government determining what uses you will make of the water. Could that be done?

Governor ROCKEFELLER. Congressman Harsha, we would be delighted to do it.

And I would say, just in conclusion of this phase of the discussion, that I am impressed with the two points which the doctor made in answer to Congressman Wright's question; namely, that the Federal control of the Federal standards could be well applied through, first, their right to approve the state plan and make eligible Federal funds for State projects. It seems to me that this has the carrot and the stick combined pretty well, and it forces the State to make a plan if they want to have participation.

And, secondly, through the amount of effluent which goes into the water of a neighboring State at that point when it leaves one State and goes into another; it seems to me that those two areas give good room for the establishment of Federal standards and protection of neighboring States.

We will comply with your suggestion, sir.

Mr. HARSHA. Thank you. That is all I have, Mr. Chairman.
(The data to be supplied the committee follows:)

STATE OF NEW YORK EXECUTIVE CHAMBER,
Albany, N.Y., February 25, 1965.

HON. JOHN BLATNIK,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BLATNIK: This is in response to your request for specific suggested amendments in connection with the views which Commissioner Ingraham and I presented at your hearing on February 23.

Enclosed are two memorandums presenting our suggestions.

The first memorandum concerns the basic construction grant program and provides amendments to the present law, 33 U.S.C., section (f), presented in your H.R. 3988.

The second memorandum concerns the standard-setting aspects of H.R. 3988 and S. 4 and provides a change of paragraph (1) of subsection (c) of the section amended and redesignated as section 10 by your H.R. 3988. In connection with standard-setting, I suggest that you may also wish to consider the amendment to redesignated section 10 presented at your hearing by the Interstate Conference on Water Problems, which is intended to take into account the interests of the several classes of water users.

Should you so desire, our people here would be pleased to meet in person with any of the committee members or staff to discuss the suggested amendments. Health Commissioner Ingraham, Conservation Commissioner Wilm, who is also national chairman of the Interstate Conference on Water Problems, together

with members of their staffs and of my staff, if necessary, would be available for such discussions.

I want to thank you again for the many courtesies extended to me in connection with the February 23 hearing.

With all best wishes,

Sincerely,

NELSON A. ROCKEFELLER.

MEMORANDUM

SUGGESTED AMENDMENTS TO FEDERAL WATER POLLUTION CONTROL ACT PER GOVERNOR ROCKEFELLER'S RECOMMENDATIONS OF FEBRUARY 23, 1965

[Underlined material new, bracketed material deleted]

Suggested changes in the present Federal Water Pollution Control Act as it relates to Federal grants-in-aid to localities for construction of sewage treatment facilities follow.

"§ 466e. Grants for construction of sewerage treatment works—Authorization

"(a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters and for the purpose of reports, plans, and specifications in connection therewith.

"Limitations

"(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary and unless such project is included in a comprehensive program developed pursuant to sections 466-466k of this title; (2) except as otherwise provided in this clause, no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Secretary, or in an amount exceeding \$600,000, whichever is the smaller; PROVIDED, That *no grant shall exceed \$2,000,000 unless a State grant exceeding \$2,000,000 is also made, in which case a grant may equal the amount of such State grant not exceeding 30 per centum of the estimated reasonable cost thereof: Provided, further, That the grantee agrees to pay the remaining cost: Provided, further, that in the case of a project which will serve more than one municipality [(A)] the Secretary shall, on such basis as he determines to be reasonable and equitable, allocate to each municipality to be served by such project its share of the estimated reasonable cost of such project, and shall then apply the limitations provided in this clause (2) to each such share as if it were a separate project to determine the maximum amount of any grant which could be made under this section with respect to each such share, and the total of all the amounts so determined [or \$2,400,000, whichever is the smaller,] shall be the maximum amount of the grant which may be made under this section on account of such project, but no such grant shall exceed the greater of (i) \$6,000,000 or (ii) the amount of a State grant made for such project not exceeding 30 per centum of the estimated reasonable cost thereof [and (B) for the purpose of the limitation in the last sentence of subsection (d) of this section, the share of each municipality so determined shall be regarded as a grant for the construction of treatment works]; (3) no grant shall be made for any project under this section until the applicant has made provision satisfactory to the Secretary for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; (4) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 466d of this title and has been certified by the State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs; and (5) no grant shall be made under this section for any project in any State in an amount exceeding \$250,000 until a grant has been made thereunder for each project in such State (A) for which an application was filed with the appropriate State water pollution control agency prior to one year after July 20, 1961 and (B) which the Secretary determines met the requirements of this section and regulations thereunder as in effect prior to July 20, 1961.*

"Determination of desirability of projects and of approving Federal financial aid; allotment of funds; determination of population and per capita income

"(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) of this section for any fiscal year shall be allotted by the Secretary from time to time, in accordance with regulations, [as follows: (1) 50 per centum of such sums] in the ratio that the population of each State bears to the population of all the States[, and (2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States]. Sums allotted to a State under the preceding sentence which are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b)(1) of this section and certified as entitled to priority under subsection (b)(4) of this section, shall be reallocated by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made because of lack of funds: Provided, however, That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State by reallocation under the preceding sentence shall be in addition to any funds otherwise allotted to such State under sections 466-466k of this title. The allotments of a State under the second and third sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section: *Provided, however, That whenever, because of a lack of funds hereunder and for any project otherwise eligible for a grant under this section constructed after the enactment of this Act, a State has advanced its funds to a municipality or municipalities in the amount of all or a part of the maximum grant authorized under this section which has not been made or that portion of such maximum grant which has not been made, the Secretary may reimburse such State from the sums allotted to such State for any fiscal year subsequent to that in which the project was constructed, but no such reimbursement shall be made unless a non-reimbursable State grant for the project was made, and the reimbursement hereunder shall not exceed the amount of such State grant.* For purpose of this section, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce [, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce].

"Authorization of appropriations

"(d) There are authorized to be appropriated for each fiscal year through and including the fiscal year ending June 30, 1961, the sum of \$50,000,000 per fiscal year for the purpose of making grants under this section. There are authorized to be appropriated, for the purpose of making grants under this section, \$80,000,000 for the fiscal year ending June 30, 1962, \$90,000,000 for the fiscal year ending June 30, 1963, \$100,000,000 for the fiscal year ending June 30, 1964, \$100,000,000 for the fiscal year ending June 30, 1965, [\$100,000,000] \$250,000,000 for the fiscal year ending June 30, 1966, and [\$100,000,000] \$250,000,000 for [the] each fiscal year [ending June 30, 1967], thereafter. Sums so appropriated shall remain available until expended [: Provided, That at least 50 percent of the funds so appropriated for each fiscal year shall be used for grants for the construction of treatment works servicing municipalities of 125,000 population or under].

"Method of payment; inclusion of preliminary planning in construction

"(e) The Secretary shall make payments under this section through the disbursing facilities of the Department of the Treasury. Funds so paid shall be used exclusively to meet the cost of construction of the project for which the amount was paid. As used in this section the term 'construction' includes preliminary planning to determine the economic and engineering feasibility of treatment works, the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of treatment works; and the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works; and the inspection and supervision of the construction of treatment works.

"(f) *Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant made under subsection (b) of this section by 10 per centum for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term 'metropolitan area' means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof.*

"Rates of wages for laborers and mechanics

"[(f)] (g) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects for which grants are made under this section shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with sections 276a to 276a-5 of Title 40. As amended July 20, 1961, Pub. L. 87-88, §§ 1(b), 5, 75 Stat. 204, 206."

MEMORANDUM

SUGGESTED AMENDMENT TO H.R. 3988 RELATING TO WATER QUALITY STANDARDS
PER NEW YORK STATE HEALTH COMMISSIONER INGRAHAM'S RECOMMENDATIONS OF FEBRUARY 23, 1965

A suggested change in paragraph (1) of subsection (c) of section 10 of the Federal Water Pollution Control Act, as amended, and redesignated by H.R. 3988 follows. Adoption of this change could easily be coordinated with adoption of the amendment to redesignated section 10 presented by the Interstate Conference on Water Problems.

"(c)(1) In order to carry out the purposes of this Act, the Secretary may, after reasonable notice and public hearing and in consultation with the Secretary of the Interior and with other Federal agencies, with State and interstate water pollution control agencies, and with municipalities and industries involved, prepare regulations setting forth standards of water quality to be applicable to interstate waters [or portions thereof] *insofar as the quality of such waters in one State substantially affects the quality of such waters in another State.*"

Mr. BLATNIK. Mr. Kunkel.

Mr. KUNKEL. No questions, Mr. Chairman.

Mr. BLATNIK. Mr. Johnson.

Mr. JOHNSON. Just one question, Governor.

I want to commend you for your very excellent statement and very progressive views. I was wondering in the studies that were made by the doctor and the agency, just where did the most severe effluents come from? Do they come from industrial plants or from the municipalities?

Dr. INGRAHAM. The great bulk of the problem in our State—and I am sure this is true in most States—is the discharge of sewage from the municipalities. There are focal areas, of course, where we have severe problems in industry. Out on Long Island we have a very intense problem from duck pollution, which is difficult to solve.

There are some areas where we have papermills which provide pollution.

But the overwhelming problem as far as we are concerned in New York State is municipal sewage, and this, of course, is the thing that poses a continuing threat to public health, because it is only from human sewage that we get disease germs causing dysentery, typhoid, hepatitis, and the whole gamut of diseases that can be transmitted to human beings.

Mr. JOHNSON. From time to time I suppose you get a real strong effluent from some of the industrial plants. I know we do in California, strong enough to be harmful to recreation and fishing and wildlife.

Dr. INGRAHAM. This is very true. Particularly in papermills and even occasionally from milk plants, you get discharges which are not of any danger to public health, but they completely utilize the available oxygen in the stream, produce a septic stream in which fish cannot live, which is completely objectionable esthetically as far as its use for boating or swimming is concerned.

Mr. JOHNSON. Governor, in connection with your tax considerations you asked for here, or you are asking your legislature for, I believe you stated that you use this on your fallout shelters as far as relieving industry of local taxes. Do the local organizations such as the city officials there in New York and the county boards of supervisors and commissioners go along with you for this purpose?

Governor ROCKEFELLER. Well, there is always a reluctance—let's face it—for the forgiveness of potential local real property tax. However, where the function is one that serves the interest of the community, we have found an acceptance on the part of local communities.

For instance, one of our problems relates to commuter railroad service. The State passed legislation—well, our whole railroad problem, as a matter of fact. We passed legislation whereby we reduced the local real property taxes on railroads by approximately 50 percent, and the State picked up half of the loss of the local community. So that we shared with the local community in their loss, thus reducing the impact, but encouraging railroads to not abandon lines that they might otherwise have abandoned and to continue services which they might otherwise have given up.

So we have used this at the State level, and at times actually participated with the local community in their losses.

Mr. JOHNSON. Thank you.

Governor ROCKEFELLER. But it is an important encouragement to have certain functions carried out by local industry or by local real property owners.

Mr. JOHNSON. Thank you, Governor.

That is all, Mr. Chairman.

Mr. BLATNIK. Mr. Dorn.

Mr. DORN. Thank you, Mr. Chairman.

Thank you, Governor Rockefeller, for very efficient testimony to the committee.

There seems to be an impression abroad in the country—and I appreciate my colleague for asking the question about municipal waste in the industry—but there seems to be a general question that industry is the villain.

Is it not true, Governor, that industry is spending just about as much on the proportion of their profit to alleviate this problem, and are they not just as interested in alleviating it as the municipalities, the States, or the Federal Government? This has been my observation. Is that not true in New York?

Governor ROCKEFELLER. Yes, very definitely so, Congressman Dorn. And the proportion of the problem between municipalities and industries is a very small one as far as industry is concerned. In the figures we have for our State, it is \$1.7 billion for municipalities and \$67 million for industry. So that it is just a fraction of the total.

And most of the industry, the larger ones, have already taken care of the problem. And it is as the doctor says, the duck farmers down on Long Island, they have been working with us, they have been spending money, but we have not found the answer yet for the duck farms, and the same is true for the papermills.

So that it is limited to certain industries, and it is a fractional problem in relation to the municipalities.

Mr. DORN. I am glad to get that testimony in the record.

Governor, it has been my observation that even the papermills, the most modern and the recent ones being constructed today, are geared to almost complete elimination of their effluent. I visited a research laboratory in Congressman Harsha's district of a meat company. They were doing a terrific job.

Governor ROCKEFELLER. That is right.

Mr. DORN. They were spending millions on this research in order to dilute their effluent virtually to zero. So they are interested in it. They tell me that—the chemical industry and the steel and all of them—that they are concerned about the real pollution, as much so as anyone.

Governor ROCKEFELLER. Yes. They are the big users of water.

Mr. DORN. Right.

Governor ROCKEFELLER. So they need clear water.

Mr. DORN. Yes, sir. Thank you, Governor.

Mr. BLATNIK. Mr. Grover.

Mr. GROVER. Mr. Chairman, this problem is reaching crisis proportions in New York State and in Long Island, as the Governor well knows. We soon will have the alternative, without this kind of help, of poisoning ourselves or taxing ourselves into insolvency.

So I compliment the Governor for his leadership in this field, and I hope the committee will look very closely into his recommendations.

Thank you.

Mr. BLATNIK. I concur with the gentleman's statement. It has been said by some, or suggested, that to complete this enormous under-

taking in 6 years is rather overly ambitious program. I am one of those who disagree. We very likely will have had a man or men sent to the moon and returned by the 6-year period. We have made very great progress. The incredible and complicated problems of space on new heat-resistant alloys, the exotic solid fuels, the fabulous automatic guidance mechanisms are beyond the comprehension of the ordinary citizen. And if we reach the moon and come back, we ought to be able to provide enough water for our people and our industries which constitute the greatest society and the greatest industrial-economic organization in the world.

So I agree with your point, Mr. Grover.

Mr. Clausen.

Mr. CLAUSEN. Mr. Chairman, and you, Governor Rockefeller, it is rather rewarding to see someone come before this committee and and present a very forward-looking program.

Just the other day, as a matter of fact, we had a gentleman in who was formerly a members of the State Legislature in North Carolina who gave a similarly forward-looking program.

Inasmuch as you have presented your testimony to the committee this morning, have you had an opportunity to present this to your local units of government, municipalities, and supervisors; and, if so, how have they accepted this? Are they rather enthusiastic about the potential?

Governor ROCKEFELLER. Well, Congressman Clausen, that is an excellent question. And, frankly, we have had a most enthusiastic reaction from both the councils, the mayors, the boards of supervisors, and the county executives as well as towns, villages, and so forth. They politically are fully aware of this problem. They find themselves really in a straitjacket because of the money.

And we have tried to help municipalities. I have recommended this year for a doubling of per capita aid to help meet other expenditures, which will also help them pick up their share of the costs, this 40 percent or the interest on the bonds for this 40 percent.

I think we are going to have virtually unanimous support of the program from local government in the State. The reaction in the legislature, as I have said, is enthusiastic on a bipartisan basis.

So that everybody says: "Here is a problem that needs to be met." And I cannot remember the figure of what California is spending to bring water into the State. Well, if we can spend half of that to preserve the water we have already got, that was given to us by nature, I think we would be smart in our own stead.

Mr. CLAUSEN. Thank you.

Mr. BLATNIK. Mr. Tuten.

Mr. TUTEN. I have no questions, Mr. Chairman. I would like to say that I feel that the Governor and the doctor have been tremendously helpful to this committee.

Governor ROCKEFELLER. Thank you, sir.

Mr. TUTEN. The Governor brings the foresight, wisdom, and charm such as I have not seen here before.

Governor ROCKEFELLER. Thank you.

Mr. BLATNIK. Off the record.

(Discussion of the record.)

Mr. BLATNIK. Mr. McCarthy.

Mr. McCARTHY. Governor, as you know, I am from Buffalo, and 20 miles of my district is on Lake Erie. And for this reason, because of the acute pollution of Lake Erie, I sought a post on this committee.

As you probably recall, in the thirties, under Governor Lehman, Buffalo was obliged, under strict enforcement, to, even though it was broke, to float a bond issue and install a waste treatment plant.

So the city of Buffalo is not an offender in the pollution. However, industrial pollution, as Mr. Spisiak will be pointing out here shortly, is a very acute problem. As a matter of fact, it has even been observed from the air in an American Airlines flight.

And I would just like to ask Dr. Ingraham how many cases of violations of your existing law you have had in your county in the last 10 years?

Dr. INGRAHAM. I am sorry; I do not have that figure with me. It is true, as you say, that the city of Buffalo has done very well. And this was one of the areas, of course, in which we did have outbreaks of disease during the thirties, which had much to do with stimulating Buffalo into moving ahead. This is an area in which we have a great deal of work to be done. There has been fairly reasonable progress there, but I cannot give you the numbers at this time. I would be glad to provide that, but I do not have it with me at this time.

Mr. McCARTHY. Well, according to Mr. Spisiak, there has been one case in the last 10 years. That would be the Greco Cheese Co., in East Aurora, N.Y.

Another point, Governor, you mentioned the paper plants. Well, a company that I just left to come here has a paper plant at Newburgh, N.Y., and you alluded to something that I sympathize with you on. You do not want to force them out of business. Dr. Ingraham mentioned that you do not want to ban all industry. However, I think it is interesting that in my company at Pryor, Okla.; Anniston, Ala.; and Kalamazoo, Mich., to name just three, we have other paper plants, and in each of those localities we were obliged, under strict enforcement, to stop producing our effluents into the streams. And we did not move those plants out of there. But we were never—nothing was ever alleged against us at Newburgh, N.Y.

I do not think industry is irresponsible when the laws are enforced. Certainly in our case at Pryor, Anniston and Kalamazoo, we complied, but there was never any effort to bring us into compliance at Newburgh.

Governor ROCKEFELLER. Is that a sulfide plant, do you know?

Mr. McCARTHY. It is a paper plant.

Governor ROCKEFELLER. Well, the sulfide type of plant is the one that causes the greatest pollution. There has been some feeling in some of the areas, where, if communities who are polluting the stream on both sides, and the industry was singled out for court actions, without doing anything about the communities, there was a certain injustice.

And what we want to do is to move on a broad front with the entire area so nobody feels discriminated against because they have been forced to clean up their pollution at a very high cost, without action being taken by neighbors on the right and on the left.

I think really that this probably is the most advantageous facet of this whole plan. It has been mentioned that to do the job in 6 years

maybe could be considered as rushing it. I would like to say that if a cold banker sat down to figure out what was the cheapest way to meet this problem, I think they would find that to borrow the money at $3\frac{1}{4}$ percent or $3\frac{2}{3}$ with State tax-exempt bonds and to do the job now would be cheaper than meeting this 4-percent increase in construction costs and doing it over a period of 20 or 30 years. So that we do it for everybody; everybody gets the job done at the same time, everybody shares in the cost, and the public benefits with clean water.

Mr. BLATNIK. Mr. McEwen.

Mr. McEWEN. Mr. Chairman, I would commend the Governor on his presentation. And I would say this, Governor, that I believe your proposal for the State of New York did more than anything really recently to focus attention not only on the problem, but the magnitude of it.

Governor ROCKEFELLER. Surely.

Mr. McEWEN. When one State proposes over a billion dollars to tackle this problem.

Governor, I feel like you had singled out the districts of Mr. Grover and myself in New York when you talked about ducks and papermills, because I think he has a good many of the ducks and I have a good many of the papermills.

One matter that is of concern to my district, a matter which I mentioned to the chairman the other day, is that all the streams through the 31st Congressional District flow into eastern Lake Ontario or the St. Lawrence, which are all boundary waters, part of the Great Lakes-St. Lawrence system. The waters that Mr. Sweeney has mentioned are Lake Erie, and those mentioned by Mr. McCarthy, are part of the Great Lakes. I think to all of us on the Great Lakes it is important that we give a good deal of attention to this reference to the Joint Commission. While we can do a great deal in Ohio and New York and so on, on this problem, and particularly with Federal assistance, we have all of these industries and communities on the Canadian side of this water that present a problem.

Mr. Chairman, again I commend the Governor not only on his presentation here today, but this program that he has presented for New York State.

Mr. BLATNIK. Mr. Schmidhauser.

Mr. SCHMIDHAUSER. Yes, thank you, Mr. Chairman.

I, too, like the other members of this committee, would like to commend Governor Rockefeller on the boldness of his definition of the problem. I would like to be candid, though, in tossing around these compliments.

I find—and this is not a criticism but recognition of the facts of life—that the boldness of definition turns into delicacy of description when you get down to the hard problem of what you do with existing industries and municipalities that are presently polluting the streams of your State. And again this is not limited to New York; it is something that I think has been characteristic in much of the testimony here since we have begun the hearings.

Now, one problem that is crucial in this matter is the question of the Federal role. And I certainly compliment my colleagues on the minority side for their sincere interest in this problem. I share this with them.

I think the crucial aspect to the definition of the problem is the question of the integrity of State authority, both in any State's treatment of the problem of water pollution and the other problem that is always lurking in the background, and that is the competitive situation that States always find themselves in with respect to industry.

Now, I would like to get to the heart of this and get your remarks on this proposition.

As I look at it, in the historic development of our constitutional system, we have had periods in our history in which great Governors—and I would include among them Teddy Roosevelt of your party, and his neighbor from New Jersey Woodrow Wilson—both of these great Governors went on to the Presidency, and they both addressed themselves to a problem that was typical of their time: the competition between States for industry, which often revolved around a tragic problem of the period, the existence or nonexistence of laws at the State level controlling child labor.

Now, in our modern era, happily we have taken cognizance of this problem nationally, and thereby have contributed to the integrity of State efforts at industrial development by taking this kind of competition out of our constitutional byplay.

And I would like to suggest and see what your reaction to this might be, that the development of at least minimum national standards concerned with water pollution might be a contribution to the integrity of each State's effort at developing their own industry and keeping what they have, and ask you whether this kind of development of minimum national standards may not encourage your State—and I would hope others—to look a little more forcefully upon the industries that are presently—and the municipalities as well as industries; I think they are related—that are presently still polluting streams. Because, basically, if we do not clear up the backlog of these problems, we are sort of kidding ourselves in terms of what we are going to do now.

Governor ROCKEFELLER. I think that is a very fair statement, Mr. Congressman. While we have mentioned industrial pollution here, and I mentioned particularly the paper industry and the duck farms, which are the two major areas left, they are not really large percentage-wise in the problem as far as the State's concern. And I should have given more stress to those industries which have complied with the law and the spirit of the law. And it has been tremendous.

I am confident that when we have the means of financing the correction of this problem that we will have no problem in getting the strengthening of the law which is necessary to get very rapid action.

Mr. BLATNIK. Any other questions?

Mr. SWEENEY. Mr. Chairman.

Mr. BLATNIK. Mr. Sweeney.

Mr. SWEENEY. Governor, I too want to join in the compliments of the morning. I think you have got the greatest product since colored television, I think, in this country. And I think your attack upon the problem of pollution has received very merited comment and praise from everyone.

Governor ROCKEFELLER. Thank you.

Mr. SWEENEY. This morning I flew over our Cuyahoga River, and I might say it was about zero, and the river was running a mahogany

color, and down there was Republic Steel and J. & L. and Alcoa and Grazelli and all of the great giants of American industry. And they are pouring forth their wastes as they have been doing for the last 40 years, and unabated by any governmental authority, and adding materially to the destruction of Lake Erie. And complementing their work of assisting in this destruction of this great lake are all of those communities that you have pointed out that have fanned out beyond the intercity and have failed necessarily to live up to standards of our State board of health.

Now, I do not think that we, certainly, in attacking pollution and the problem and the discussion, care to drive Republic or Alcoa or Grazelli out of our community. They are too important to us as our local employers. But we have seen in Cleveland and in Pittsburgh an effective attack on air pollution in the last 10 years. We have seen Pittsburgh, that was one of the worst examples of industrial air pollution, clean its city. We have seen Cleveland, Ohio, do the same thing.

And I commend you for the approach that you are using insofar as building into your suggestions these tax incentives for industry to comply, because in those incentives we found a more receptive spirit on the part of industry to come along and to join in the attack on pollution. And I think we need to liberalize, as you have pointed out, these laws with respect to industrial write-offs insofar as industrial compliance.

Now, the question I want to ask is primarily directed to your head of health. You have mentioned about the procedures insofar as enforcement that are in effect in New York State, which indicate that you have a hearing and then a waiting period of a year. And then a Water Pollution Resources Commission hearing and a wait of 5 years. And then, subsequent to that, you have possible additional periods of waiting depending upon court order. Now, you have said that there is presently pending in your State legislature amendments to these enforcement provisions. What period of waiting and what reduction in time as to the lapse between these hearings are you incorporating into this new legislation?

Dr. INGRAHAM. We are asking for power to enjoin existing pollution promptly.

Mr. SWEENEY. What hearings are you affording affected industries and communities so they would have a fair hearing and an objective study be made and a fair period in order to get into compliance, depending upon their financial ability to do that?

Dr. INGRAHAM. At the present time, in the last 3 years, under Governor Rockefeller's program, as mentioned, money is available from the State to the extent of 100 percent to make engineering studies for municipalities to join together in determining what their sewage needs—treatment needs—are for the present and for the foreseeable future.

This is underway at the present time. There has been expended approximately \$3½ million for engineering studies in the State so far. In the Governor's budget there is a request for \$5 million for this purpose for next year. This is an opportunity whereby the municipalities and the industries in them can see precisely what the needs are and how they can be abated.

So that this in itself is a very forward step by which the problem is known to the municipalities, and they are taking advantage of it, as I say, to a very considerable extent; and it is expected that essentially all of the communities in the State will have these studies made.

So this in itself takes care of most of this question of airing what is needed, and understanding, and expert recommendations from a qualified engineering firm as to steps to proceed.

So that what we are suggesting to the legislature is that where this is known and where pollution is obvious, that we ask for immediate steps to move ahead.

Mr. SWEENEY. Yes.

Dr. INGRAHAM. Now, I would like to point out that, in enforcement throughout the years that we have relied very, very largely on voluntary cooperation, and industry has, in most instances, complied and gone ahead with recommendations. The Associated Industries, for instance, of New York State has been very much in the forefront in shaping the laws and in assisting it in getting industry to go along with us.

Another reason for delay that I did not mention earlier was that, before we hold hearings we have to have the area surveyed and classified. And it is only this year that all the State will be classified. We have reached the point in New York State where we do have the State entirely surveyed and we do have it classified this year. We have money available directly from the State, 100 percent for engineering studies to determine what needs to be done.

So we have reached the point over many years of effort whereby it is possible with some help to take vigorous action in enforcement that has not been possible for a variety of reasons in the past.

Mr. BLATNIK. Mr. Howard.

Mr. HOWARD. As a Representative from New Jersey, which is just downstream and down-ocean from the great State of New York, I am very happy to hear the statement from the Governor this morning. I want to thank you for being with us, and I hope that my own State will launch a similar project in the near future.

Thank you, Governor.

Governor ROCKEFELLER. Thank you.

Mr. BLATNIK. I thank the gentleman for his very pertinent, yet brief and considered, remarks.

Mr. Dyal, of California.

Mr. DYAL. Just in brief, Governor, a few moments ago you commented about the absence of my colleague from California in relation to the amount of money that our State expends. As you know, our project on Feather River is \$1 $\frac{3}{4}$ billion-plus.

Governor ROCKEFELLER. That is right.

Mr. DYAL. Going into this program. And our great concern is that, of course, if we go to the Snake or Columbia, or even farther north for sources, at the present time both the Snake and Columbia have tremendous pollution problems.

Governor ROCKEFELLER. That is right.

Mr. DYAL. So if we bring down polluted water, we are not much further ahead. I thought I would answer your question in that regard, and say to you that I appreciate your comments on the ceiling, especially the population factor that you indicated, since we have a friendly contest with you in regard to who is No. 1 State.

Governor ROCKEFELLER. Which you have won.

Mr. DYAL. Thank you.

Mr. BLATNIK. Mr. Martin from Alabama.

Mr. MARTIN. Well, I would also like to express our appreciation to the Governor for his comments. I am a new member of this committee, and I have a lot to learn about it, and you have added to that knowledge. And I express my appreciation to you and Dr. Ingraham for giving this information to us.

Governor ROCKEFELLER. Thank you very much.

Mr. BLATNIK. Governor, again we thank you, on behalf of the entire committee, for a very thought-provoking, very fine proposal; certainly the boldest proposal yet offered by any State. In our concept of a joint Federal-State-local partnership attack on this national problem, the greatest problem is the failure of so many States to participate actively. Municipalities have done extremely well, commendably so. With just a little assistance, they have exerted tremendous effort, more than their share, and carried the burden of this whole problem.

Off the record.

(Discussion off the record.)

Mr. BLATNIK. Dr. Ingraham.

Dr. INGRAHAM. I have a statement here which, among other things, does answer in somewhat general terms the question which Congressman Harsha asked, if I might submit this.

Mr. BLATNIK. Without objection, so ordered.

(The prepared statement of Dr. Ingraham follows:)

STATEMENT BY DR. HOLLIS S. INGRAHAM

I am Dr. Hollis S. Ingraham, Commissioner of Health of the State of New York. I am speaking to you today on behalf of the New York State Health Department and the New York State Water Resources Commission, of which I am a member.

At the risk of referring to the obvious, I direct the attention of the members of this honorable body to citizen impatience with continued pollution of our Nation's waters. Both Federal and State Government's should respond to this public demand by using their superior revenue-raising powers to fund immediately a decisive program to abate pollution.

We in New York State believe that State, Federal, and local governments share the responsibility to ease the present burden of water pollution—a burden increasing with each delay.

Water pollution and neglect of our Nation's water resources have created a major national problem—a problem which penetrates and sours our most deep felt aspirations for a clean, healthy, aesthetically satisfying environment and a decent place to live and work.

Present dimensions of the problem call for abandonment of ideological and sectional differences as to who is responsible for the mess, and the cleanup and creation of a program responsible to the Nation's needs.

First, we should see the problem as it is. Clearly and unequivocally, it is a problem of our urban concentrations of population—a problem which the New York Times has pointed out editorially is, next to improved education, "The most important and urgent area for largescale investment the people of the United States can make."

Second, we should give voice to what we all know—that the rescue of our water resources can only be met by revenues derived from the superior taxing powers of the Federal Government and the States; local government acting alone is not equal to the task. The present Federal-aid program stunts on Federal fiscal commitment.

In spite of the uncontested fact that our backlog need for new and improved waste and sewage facilities lies in our urbanized areas, the present Federal

Water Pollution Control Act, and the proposed amendments now under consideration contain and continue formulas which discriminate against pollution abatement efforts in our large urbanized areas.

In spite of the fact that the Federal Water Pollution Control Act establishes 30 percent as a proper Federal share in funding of projects, project grant limitations reduce Federal support to almost insignificant levels in relation to the total funding of some of our larger urban construction projects.

The specific formulas and limits which render the Federal Water Pollution Control Act unresponsive to the present national need are contained in section 6.

Clause (2) of subsection (b) of section 6 limits Federal support for any single project to \$600,000. In New York City, construction of one sewage treatment plant and major interceptor system costs \$87.6 million. Under the present law this project would be eligible for a support grant of \$600,000. Similarly, in the case of a project which will serve more than one municipality, the project grant limit is set at \$2.4 million. Neither of these amounts comes close to 30 percent Federal participation.

Subsection (d) of section 6 requires that at least 50 percent of the authorized funds be used for grants to small municipalities of 125,000 population or less. Subsection (c) of section 6 also contains allocation formulas which discriminate against the highly populated areas where major pollution problems exist.

We recommend the removal of these discriminatory provisions and the authorization of funds commensurate with the national need. The Federal Government would then be able to provide its full and proper 30-percent share of the total costs of these needed facilities and then the Federal effort would be more relevant and responsive to the Nation's actual needs in this field.

Last December 27, Governor Rockefeller proposed an immediate and decisive program of Federal, State, and local action to share the costs of the facilities needed to end water pollution in New York State. Under this program, the State will assure that the local share of the costs will not exceed 40 percent. The State will assume 30 percent of this cost and will be prepared to prefinance as much as is necessary of the proper Federal share to provide an additional 30 percent.

To encourage such State commitments and to accommodate such prefinancing of the Federal share, we recommend that Federal law provide for eventual Federal reimbursement of sums so advanced by the States as they become available.

Governor Rockefeller's program also includes State and local tax incentives to industry to spur the construction of needed industrial treatment facilities. Provision is also being made for funds to conduct research in improved methods of waste treatment, especially wastes of a new, technical or bizarre nature such as chemicals and pesticides. In addition, the Governor has proposed that the State under its corporate franchise tax provide industry with the option of a 1-year writeoff of waste treatment facilities. We suggest that the Federal Government provide a similar incentive to industry under the Federal corporate income tax by amending the Internal Revenue Code.

I now want to comment on enforcement powers. The pending amendments to the law would allow the Federal Government to either set and enforce water quality standards in the States or pass judgment on the adequacy of existing State standards. New York State feels that Federal action in this area should be tailored to specific State needs guaranteeing recognition to existing effective State programs.

New York State presently maintains an effective water pollution control program. Water quality standards are already established and continuously updated and improved. Our water resources commission, which is responsible for State water policy and planning, urges that any amendments to the Federal law with respect to water quality standards:

1. Give full effect and recognition to existing and adequate classification standards and pollution control programs in the States;
2. Provide for the preparation and recommendation of interstate or regional standards by the States involved in any region where adequate standards have not been promulgated by the States or interstate agencies; and
3. Assure that effective State and interstate pollution programs will not be supplanted, altered, or hampered by Federal agency action without the consultation and concurrence of the State or States involved.

The elimination of existing pollution is the most urgent issue in water resources management today. However, in the long view a program to prevent pollution before it occurs is also important. Let me sum up for you briefly the

initiative we have shown in New York not only to combat pollution but to prevent it.

We have completed a statewide survey of water quality needs. We have financed and continued to finance 100-percent State grants to local governments for comprehensive engineering studies for the development of economical projects for both present and future collection, treatment, and disposal of sewage. These studies are conducted under intermunicipal auspices so that they cover natural drainage areas and overcome the artificial barriers to sound planning often created by municipal boundaries. Basic information is developed so that sewage works may be enlarged economically to serve future areas and population needs.

Under a permit system we require prior review and approval of plans for construction and inspect for conformity thereto. The State requires prior approval of all land subdivisions, conditioned on provision of satisfactory sewage treatment facilities. A vigorous research program relating to pollution hazards, such as detergents and pesticides, continues the search for new methods of prevention.

In all phases of this program of pollution prevention the New York State Department of Health works closely with the United States Public Health Service. Now here is my point. The longstanding technical and scientific partnership with the Public Health Service aimed at preventing as well as abating pollution is threatened by pending amendments to the Federal Water Pollution Control Act. I refer to an amending provision that would divorce enforcement activities from the preventative and scientifically resourceful services of the Public Health Service by placing enforcement powers in a new Federal Water Pollution Control Administration. Such a division of responsibility will lead to decreased effectiveness of governmental action in the water quality field. Such a divorce will split the accumulated technical and scientific "know-how" between an agency designed for prevention and an agency which may engage in enforcing stereotyped and all-too-soon outdated solutions. The accelerating pace of urbanization, the continuing population boom, and an expanding technology is producing new, difficult types of wastes to treat. Changing horses now is no way to get the job done.

In closing, I urge you to give positive consideration to our suggestions so that New York State, and other States seriously attacking this problem, can count on the full support of their National Government. I am sure it will be forthcoming.

(The full text of the prepared statement of Governor Rockefeller follows:)

STATEMENT OF NELSON A. ROCKEFELLER, GOVERNOR OF THE STATE OF NEW YORK

I welcome the opportunity to present my views on the problems of water pollution control as it affects the 18 million citizens of the State of New York.

There is no need for me to dwell upon the vital importance to our Nation's future of the conservation of our precious water resources. Water is a common denominator of economic growth, pure water a common denominator of public health and recreation.

But the degradation of our water resources by raw sewage, untreated industrial wastes, and other refuse is a barrier to the Nation's full social, economic, recreational, and community growth.

The tide of urbanization and population growth that has swept the Nation has tremendously increased the demand for water. But these same factors have also increased water pollution.

Thus, the Nation's urban areas are faced with a compounded and immediate problem:

Needs for essential services are mushrooming;

Demand for water is increasing; and

Wastes—actual or potential pollution—are increasing.

The result has been that most of our urban areas have huge backlogs of need for water pollution control facilities. The cost of eliminating these backlogs is huge, and will become even greater as urban populations continue to expand, more and more existing facilities become inadequate or obsolete, and construction costs continue to rise at a rate of 4 to 5 percent per year.

In the State of New York, we estimate that the new treatment plants and intercepting sewers needed by New York's communities now and through 1970 will cost a little over \$1.7 billion. By building as quickly as planning and construction timetables will permit, we believe it will be possible to eliminate this backlog of needed works in a 6-year period.

New York has effective water pollution control laws with adequate standards which are continuously updated and improved. New pollution is effectively prohibited. But our pollution control laws—be they State or Federal—cannot be fully effective until the huge backlog of needs is overcome.

Local governments have traditionally been expected to bear the great bulk of the cost of providing pollution control facilities.

It is clear to me that we cannot expect local governments, with all of their increasing financial burdens in essential service areas such as education, to continue to carry nearly the entire cost of water pollution control.

The present program of Federal construction grants to localities, enacted in 1956, recognized the Federal interest in this problem. Federal grants have provided some incentive to communities.

Unfortunately, the present program of Federal grants-in-aid for treatment facilities construction is not adequately responsive to the needs of large cities and urban areas, despite the fact that water pollution is basically an urban problem. Neither does the present program reflect the magnitude of the actual need for facilities.

The Water Pollution Control Act provides for Federal grants up to 30 percent of the cost of treatment plants and interceptors but—

Places a limit of \$600,000 on the amount which may be paid to a single municipality for a single project, and a limit of \$2.4 million on the amount which may be paid to a number of municipalities cooperating on a joint project;

Limits to 50 percent the amount of the total Federal appropriation which may be paid to local governments over 125,000 population; and

Allocates the Federal funds among the States with a formula that results in New York communities being allotted only a little more than \$5 million, barely more than 5 percent of the total annual appropriation of \$100 million, which is itself inadequate to the task before the Nation.

When judged by the magnitude of New York's need for \$1.7 billion of new facilities between now and 1970, the \$5 million a year we may expect in New York State in Federal assistance under existing law, while helpful, is woefully inadequate.

New York State certainly does not stand alone in terms of substantial needs for pollution control facilities. These needs are shared with other urban areas throughout the Nation.

Thus, the present Federal program falls far short of providing a fair Federal share of help to do the job.

I am here, however, not to criticize the Federal Government but to urge cooperative action by all levels of government, and in this connection, it is my conviction that New York State has a major responsibility to help its communities meet their needs.

We have already done much to spur local action. Through a State constitutional amendment, which I recommended and which the people of the State approved in 1963, local government obligations incurred until 1973 for sewage works are wholly exempted from constitutional debt limits. New York State's constitution and statute now permit and encourage intermunicipal cooperation in order to provide essential services and facilities in the most efficient and effective manner. As a result of legislation which I recommended, the State now pays all of the cost of comprehensive sewerage planning studies undertaken by municipalities on an areawide basis.

These steps have greatly increased the ability of New York State's local governments to act quickly, effectively, and jointly with their neighbors where feasible.

As a result of another of my recommendations, the State is now authorized to pay one-third of the local cost of operating and maintaining sewerage treatment plants and I have included a recommended appropriation of \$8 million in my executive budget for the fiscal year beginning April 1 to fund this program.

These steps are helpful, but they do not by themselves meet the problem.

Clearly, local governments need additional State as well as Federal help to do the job.

Recognizing the tremendous benefits to the people of New York State in overcoming the backlog of needed facilities and the practical necessity of reducing the burden upon the localities, I have recently proposed to the New York State Legislature a comprehensive program to end water pollution in our State in a 6-year period.

To help finance the program, I have recommended a \$1 billion State bond issue. The seven-point, 6-year program I have recommended includes:

1. State leadership in Federal-State-local sharing of the costs of constructing new sewage treatment plants and interceptor sewers: (a) The State to assume 30 percent of the cost; (b) the Federal Government to assume a full 30-percent share by eliminating from its present grant-in-aid program for such facilities the discriminations against large cities and urban States like New York; and (c) a billion dollars in State bonds to be authorized to pay the State's share and to avoid delay by prefinancing the Federal share if necessary.
2. Encouragement to industry by the State, Federal, and local governments by (a) tax incentives to spur construction of new industrial pollution control facilities; and (b) exploration of means through which low-interest loans could be provided industries in hardship cases.
3. State and Federal action to eliminate water pollution by State and Federal institutions in New York such as hospitals, colleges, prisons, military bases, and other facilities.
4. State aid to localities for one-third of the cost of operating and maintaining local sewage treatment plants, which was authorized upon my recommendation in 1962 but for which funds have not yet been appropriated.
5. Establishment of a new automated water-quality monitoring system.
6. An expansion of State research in water pollution control methods.
7. Vigorous enforcement of the State's laws against water pollution.

Under the construction-grant program I have recommended to the New York State Legislature:

Projects eligible under the State program will be same as those under the present Federal program:

The State will pay a full 30 percent of the cost of eligible projects without any dollar limitation; and

The State will prefinance a similar full 30 percent share by paying to localities an additional amount which, when added to the amount of Federal assistance, if any, received for an eligible project, will equal an additional 30 percent of the cost of the project.

We are requesting the Congress to change the law to provide a full 30 percent Federal share without dollar ceilings where State governments provide a similar 30 percent share.

We are also requesting legislation to authorize reimbursement from future appropriation by the Federal Government of States which match and which prefinance the full Federal 30 percent share.

The State payments will be contingent upon submission to and approval by the people of New York this November of a referendum authorizing the issuance of \$1 billion in State bonds to finance the program.

Thus, the use of bonds will make immediately available 60 percent of the full amount necessary to overcome the backlog of needed works and to meet new needs through 1970. To avoid the necessity of waiting for the Federal funds to become available, the State will advance, if necessary, the full and proper Federal share of project costs with eventual reimbursement from future Federal appropriations.

While the implementation of this program will require action by the State legislature and the approval of a referendum by the people of New York State, the public response to this program has been very encouraging. Since its announcement, I have yet to receive any communication opposed to the program.

The program I have recommended represents the kind of responsible State action, in partnership with the Federal Government, that is necessary for a viable Federal system. In my judgment, such assumption of State responsibility should be encouraged and supported.

To encourage States to take action such as I have proposed in New York, and to mount a realistic attack on the outstanding construction needs in this vital field generally, I suggest consideration of the following changes in the present construction grant programs under the Water Pollution Control Act:

1. The formula for allocating total Federal funds among the States should

be revised to make allocations solely on the basis of population. This means eliminating the present per capita income factor on the basis of which 50 percent of the appropriation is now allocated.

2. The existing provision limiting to 50 percent the amount of the total Federal funds which may be granted to communities of more than 125,000 population should be eliminated.

3. The dollar limits on project grants should be substantially increased. The increases proposed in H.R. 3988, to \$2 million for single municipalities and \$6 million for joint ventures, are certainly major steps in the right direction.

4. Where States provide grants to localities for construction of eligible projects, an extra Federal grant should be provided to match the amount by which the State grant exceeds the basic Federal grant for a project, with a maximum total Federal contribution of 30 percent. As an example, where a State contributes \$3 million to a \$10 million eligible project of a single municipality, the Federal contribution would consist of two parts:

A basic grant of \$2 million in accordance with the dollar limitation proposed in H.R. 3988; and

An additional grant of \$1 million equaling the amount by which the State grant exceeds the basic Federal grant.

The effect of this provision would be to remove the dollar ceiling on Federal grants, up to 30 percent of project cost, to the extent that State grants exceed such a ceiling.

5. New language should be inserted to provide for Federal reimbursement to a State from future Federal appropriations where such a State advances all, or part, of the combined Federal contribution to the cost of an eligible project.

6. The yearly authorization for the Federal grant program should be increased from the present \$100 million to \$250 million. This authorization should be extended for a 20-year period to provide assurance of continuation and thus encourage State action.

Together, these suggested changes would provide the basis for a realistic solution to a mounting national problem, make the Federal program more responsive to the national need, and go far to encourage States to assume their responsibilities under the Federal system.

Another important part of the program I have proposed consists of tax incentives to encourage and help industries to construct the treatment facilities needed to end industrial water pollution where industrial wastes are not included in municipal systems. I believe each level of government has a role in providing such incentives.

I have recommended State legislation to provide for exemption of such industrial facilities from local real property taxation.

I have also recommended to the State legislature the provision to industry of the option of a 1-year writeoff under the State corporate franchise tax for the costs of building such facilities.

I suggest that the Federal Government should play its part through providing industries with a similar option under the Federal corporate income tax.

In summary, I believe we must act immediately and decisively to eliminate the huge backlog of construction needs that stand as an effective bar to efforts to end water pollution.

The longer we wait, the greater will be the cost in health, in recreation and in beauty, in economic development, and in ever-increasing amounts of cash on the barrelhead for the facilities we must have.

The sooner we act, the sooner we will reap the benefits of our action in all these vital fields.

Mr. BLATNIK. Mr. Kunkel.

Mr. KUNKEL. I just have a short statement here, memorandum from Dr. Charles L. Wilbar, Jr., secretary of health for the State of Pennsylvania, in which he says:

Pennsylvania's Sanitary Water Board to a man is much concerned with this bill. As I stated in personal testimony last year when a similar bill was before the House for consideration and in written testimony to Senator Muskie and to Congressman Fallon, the chairman of the committees of the House and Senate considering this bill, we feel there are good features of the bill but are strongly opposed to sections 2 and 5 of the bill.

Section 2 would remove the administration of the water pollution control program from the Public Health Service and place it in a special unit in the

office of the Secretary of Health, Education, and Welfare. In my statements on this matter, I have pointed out that this would be removing the jurisdiction from an already well functioning and qualified unit in order to create another one and this change might well weaken the administration of this program rather than strengthen it.

Of more concern to Pennsylvania's Sanitary Water Board, however, is section 5 which would allow the Secretary of Health, Education, and Welfare to establish water quality standards for interstate streams and portions thereof. This would include nearly all of the streams in the country. The national setting of standards include nearly all of the streams in the country. The national setting of standards on water quality would give the Secretary of Health, Education, and Welfare tremendous authority over the industry of our Nation. In Pennsylvania, the board has for many years classified streams in accordance with their usage. It is manifestly unreasonable to set standards that are so difficult and expensive to meet that major industries are forced out of business. A conference on the Mahoning River held in Youngstown, Ohio, on Tuesday and Wednesday of this week and chaired by a representative of the Secretary of Health, Education, and Welfare, gave what might be considered a preview of what could happen. Even under the present law, the Secretary of Health, Education, and Welfare can call conferences on interstate streams when he feels that too much pollution exists. At the conference on the Mahoning River the States of Ohio and Pennsylvania and the Ohio River Valley Water Sanitation Commission pointed out that too much pollution of the Mahoning has existed and still exists, but that Pennsylvania already has cleaned up the situation and the activities underway in Ohio would indicate that within a very short time, Ohio will have taken care of its situation. However, the Federal Government's chairman of this conference acted more like a public prosecutor and judge than a conferee. Thus, there is already a considerable concentration of authority in the Federal Government on water pollution which seems to be exercised in spite of good programs by certain States and certain interstate water compacts. If section 5 of this bill were passed, it could cause a major forward step toward stricter and more generalized Federal enforcement and control powers in the water pollution field which seem to Pennsylvania's Sanitary Water Board to be unnecessary and inefficient.

And that is the statement from Dr. Wilbar, just as he sent in.

And then I would like permission to include the statement which he mailed to Chairman Fallon and also to me, and also to Senator Muskie at this point in the record.

Mr. BLATNIK. Without objection, so ordered.

(The statement of Dr. Wilbar follows:)

STATEMENT BY CHARLES L. WILBAR, JR., M.D., SECRETARY OF HEALTH, COMMONWEALTH OF PENNSYLVANIA

As secretary of health for Pennsylvania I am chairman of its sanitary water board. This statement is presented on behalf of the board, Pennsylvania's water pollution control agency.

We have considered Senate bill 4 which would amend the Federal Water Pollution Control Act and support the portions of the bill dealing with a change in the expression of the act's purpose, providing research and development grants for abating pollution from combined sewers, increasing the construction grant limits and providing additional grants for projects that conform to a comprehensive plan.

The board is opposed to section 2 of the bill which would establish a Water Pollution Control Administration in the Department of Health, Education, and Welfare, and section 5 dealing with the establishing of water quality standards for interstate streams and portions thereof.

Before commenting on these two sections of the bill, I would like to say that I submit this testimony not only as a representative of our sanitary water board but also as a public official who is deeply concerned with the impact which the proposals before you are likely to have on the Nation's water pollution control program and on Federal-State relationships.

My concern is that a careful reading of the record related to this proposed legislation discloses few facts which would support the need for the provisions in sections 2 and 5 of the bill.

I would like to comment first on section 2 of the bill.

Pennsylvania's Sanitary Water Board has been dealing with problems in the water pollution control field since 1923. We have the oldest State water pollution control agency in the country and have, I believe, a good record of accomplishments in conserving and improving the quality of the water resources in our Commonwealth.

We have been working with the Public Health Service since the beginning of our water pollution control work. The Public Health Service has a most competent technical and scientific staff.

In addition to the operating personnel in the water pollution control program, there are many other employees of the Public Health Service whose talents in fields such as radiation, aquatic biology, toxicology, water supply, bacteriology, and virology are utilized in this important endeavor. If the program were transferred to a separate agency, there would be a significant loss in the effective communication which exists among scientific people who work shoulder to shoulder in the same agency.

It seems to me that Congress was wise in so designing the present Federal Water Pollution Act that this function would be carried out within the framework of a health agency where there is the technological and scientific talent which needs to be brought to bear on this problem. We find nothing specific in the record concerning this bill which would now support a change in this decision. Dividing responsibility for health related programs among more than one agency is likely to reduce rather than enhance the effectiveness of governmental action in this field. I doubt if the facts would show that programs have been strengthened by the division of water pollution and health responsibility in States where this has occurred.

During the past 40 years Pennsylvania's water pollution control program, which is located in the department of health, has been expanded continually to meet the serious challenges which have confronted us in the water pollution field. Our department has provided leadership in the development of technology in such fields as mine drainage control, tannery wastes, treatment of coal fines, treatment of acid pickle liquors, pulp and paper mill wastes and heated wastes. We are conducting research on the effects of detergents and pesticides on fish life. You will note that none of these projects is related directly to human health; yet this work has been done while the program was located in a department of health with a sanitary water board chaired by a series of 10 physicians. Throughout all these years the board and the department recognized the fact that water pollution responsibilities go far beyond health considerations, although there was always the awareness that one of the most important reasons for our efforts to control water pollution is the protection of health.

I bring up these points because in supporting section 2 of Senate bill 649, which is identical to the same section in Senate bill 4, the argument has been made that the primary orientation of the Public Health Service is and should be toward health objectives and therefore other considerations, such as problems of industry, recreation and aquatic life, have not been given the attention to which they are entitled. No specific evidence has been introduced to support this contention and when one looks at the facts they speak to the contrary.

Recently we worked on the problem of establishing criteria for the discharge of heated wastes to our streams. The primary consideration of this problem is the protection of fish and other aquatic life. In order to assist our advisory committee, the Public Health Service assigned to us one of the most eminent aquatic biologists in this country. He was able to provide the committee with the type of technical information which it needed to effectively conclude its mission.

The problems of water pollution control today are so complex and interwoven that it is generally not possible to separate contaminants which may have an adverse effect on health from those that might adversely affect other uses. We know that when we have reduced pollution from substances (such as pesticides) that are toxic to fish, then we will also have protected human health. Organic substances which cause taste and odors in public water supplies may also do damage to the industrial uses of waters. When we have abated sewage pollution from our streams we will have protected aquatic as well as human life from this type of pollution. A water that is safe for humans will certainly be satisfactory for most of the other important uses.

The extensive research activities in the field of water pollution control carried out by the Public Health Service have been devoted to all types of

water uses and not merely for the protection of health. For example, 12 percent of the research money spent by the Service on water pollution control has been applied directly to the aquatic life problem alone. This does not include other research efforts which have indirect benefits to the protection of aquatic life. Similarly, Public Health Service research work has been done for years on important industrial wastes. The other programs of the Service—training, technical assistance, and comprehensive planning—have traditionally been related to all water uses. We have heard of no specific testimony which shows that the Service has neglected the broader aspects of water pollution control.

The argument has been made that the Service's water pollution program has been "subordinated" to other programs, but let us look at the record. In 7 years the Service's appropriation for water pollution control has risen from \$1.2 to \$125 million, and its personnel in this field has increased from 157 to 1,136. This is a very rapid growth which is not likely to be duplicated in many other Federal endeavors. How can it then be said that the Service has not given due emphasis to the Nation's water pollution control program? The number of engineers and scientists who are qualified to do this work is clearly limited. Had the growth of the Federal program been faster, it probably would have resulted in such an intensive recruitment effort that staffs of State and interstate water pollution control agencies and educational institutions might have been seriously depleted.

In order to have an effective nationwide water pollution control program, close cooperation between the Federal and State water pollution control agencies is essential. State water pollution control agencies will continue to have primary responsibility for the thousands of individual pollution cases within their borders. The public Health Service already has good working relationships with the States; and it would, in my opinion, take many years for a new agency to develop this constructive relationship.

It is for these important reasons that we oppose section 2 and firmly believe that the 1961 amendments to the Water Pollution Control Act, which place the responsibility for the administration of the act directly under the Secretary of Health, Education, and Welfare, give the Secretary the flexibility he needs to expand and, if necessary, reorganize this program.

Regarding section 5 of this bill, we find little evidence in the record to justify such a great expansion of Federal power in the field of water pollution control. In accordance with the present law, the Federal Government may exercise its regulatory powers whenever it finds that there is interstate pollution. Under the proposed section 5, the Federal Government, in the person of the Secretary of Health, Education, and Welfare, could set standards on all interstate streams and portions thereof. This wording includes nearly all the streams in the country.

Unlike the enforcement provisions under present law, the Secretary needs to make no determination as to whether or not pollution exists before he can set such water quality standards. It is true that he is required to consult with State and interstate agencies and to call a hearing, but the fact remains that he is the final authority on the setting of water quality standards on all of our important streams. Whether or not initiates enforcement proceedings, the setting of these standards has significant policy implications for which there is no precedent in Federal law as it relates to the development of water resources.

At present, most State water pollution control agencies set such standards, and properly so; for they have a more intimate knowledge of the problems of their respective States. This, we believe, is the intent of the present Federal Water Pollution Act, as is stated in section 1 of the act. The proposed section 5, unless amended so as to be limited to streams where the Federal Government believes interstate pollution exists, conflicts with section 1 of the act.

The setting of standards, because they determine the degree and type of treatment which is necessary, requires industries and municipalities to build treatment facilities. These standards, set by a single Federal official, will be reflected in the expenditures by municipalities and water-using industries. They will even affect the decisions which new industries have to make when considering site locations. Such standards by the Federal Government would undoubtedly overlap and conflict with the actions of State water pollution control agencies.

Water quality standards must, of necessity, be related to a given streamflow. It is not possible, therefore, to separate the setting of water quality standards from the entire process of water resources planning. There is also considerable

interdependence between water resources planning and economic planning. Certain types of industries may not be able to locate on a given stream because of the standards which have been set. One man—the Secretary of Health, Education, and Welfare—would have the power to control to a large measure one of the most basic ingredients of a State's economic future: its waters.

As I have mentioned before, there is to our knowledge no precedent in Federal water resources policy in this regard. Before the Corps of Engineers and the Bureau of Reclamation can proceed with a water resources project they must have a sequence of authorizations from Congress to proceed. Senate bill 4 provides for no such concurrence from the States or Congress. Senator Muskie, in his statement concerning the purpose of this section to the Senate in the 88th Congress, indicated that he hoped that this section would prevent the need for Federal enforcement action. We believe that our proposal that the establishing of water quality standards by the Federal Government be limited to interstate pollution situations would accomplish the same purpose without such a broad expansion of Federal authority.

With reference to the general problem of water quality standards, we would welcome the development of water quality criteria by the Public Health Service which could be used by the States as a guide in their water pollution control programs. By water quality criteria, I mean the concentration limits of pollutants that will not adversely affect beneficial water uses. The Public Health Service is already able to do this under section 4 of the present Federal Water Pollution Control Act. Water quality criteria would enable the State water pollution control agencies to do a more effective job, and provide for more uniform administration of water pollution control efforts.

Senate bill 4 has eliminated the section of Senate bill 649 that would have required a permit system to control waste discharges from Federal installations. Our problems with pollution from Federal installations in Pennsylvania has not been too great, but we have had some. We feel that such a provision in the Federal water pollution control law would be quite appropriate and consideration should be given to including it in Senate bill 4.

In some instances the Federal Water Pollution Control Act and its proposed amendments refer to specific pollution problems. For instance, this act has a specific amendment that would authorize a grant program for development of methods to abate pollution from combined sewer systems. Pennsylvania's greatest water pollution control problem today is pollution from mine drainage. Pennsylvania's mine drainage problem is not one that is going to be solved by a Federal enforcement program or the creation of a new water pollution control administration. The major portion of the pollution comes from mining operations that were carried out and abandoned prior to any water pollution control regulation by the State. To improve water quality in these areas, we need a positive program of mine drainage abatement projects. We have estimated that such a project will require \$250 million for Pennsylvania alone. We hope that funds will be provided for some of this work under the Appalachia program. Appalachia funds would be limited to eliminating pollution arising from strip mines on public property, and research and demonstration efforts.

Funds are presently provided for mine drainage demonstration projects under the Federal Water Pollution Act. The only other Federal legislation that directly affects mine drainage control is the anthracite mine dewatering act that provides funds to pump mine drainage into streams. This adds pollution to streams. There is no Federal authority, and there are no funds to abate this type of pollution. There is need for an amendment to the Federal Water Pollution Act which would give the Public Health Service adequate funds and broad legal authority, not only to conduct mine drainage control research and demonstration projects but also to assist the States in abating mine drainage pollution.

We are interested in implementing progress in water pollution control. I believe that Pennsylvania has a dynamic water pollution control program and that we are making substantial progress. I feel that the aid that the Federal Government has given us in the past in the form of program and construction grants, training and technical assistance has benefited our program.

Except for sections 2 and 5, Senate bill 4 would help to enhance our Nation's water resources. These two sections authorize an administrative change which would impair the water pollution control program and an expansion of Federal authority which is both unnecessary and unprecedented.

Mr. BLATNIK. Thank you, gentlemen.

The hearings are recessed until 2:30 this afternoon.

(Whereupon, at 12:15 p.m., the committee adjourned, to reconvene at 2:30 p.m., the same day.)

AFTER SESSION

Mr. BLATNIK. The House Public Works Committee will please come to order, continuing public hearings on S. 4 and H.R. 3988, and other similar and related bills proposing amendments to the Federal Water Pollution Control Act.

We are very pleased to have our distinguished colleague and very close personal friend from Louisiana to testify. Before I call on the distinguished gentleman I will ask an outstanding member of this committee, Mr. Thompson, to do the honors in presenting our very close friend.

Mr. Thompson, will you present our next witness.

Mr. THOMPSON. Mr. Chairman, on the record I would like to say that I am delighted Congressman Morrison has come here before us to testify on this legislation which is probably in my opinion the most important legislation we will consider this year in the field which it covers.

Congressman Morrison is known as the master in Louisiana because of his long experience in not only politics but governmental affairs. In Washington he needs no introduction, but the record shows that in his 23 years of service he has served Louisiana so well in the many fields in which he has occupied himself, and the fact he has taken time out to testify before this committee indicates again his great interest in the development of not only Louisiana but our Nation, and I know that our people will be very, very happy to see his interest in this. This will, I am quite sure, coincide with the interest of this committee in the development of proper legislation for the future of this country, and I am happy to introduce to the committee Congressman James H. Morrison of Louisiana.

STATEMENT OF HON. JAMES H. MORRISON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Mr. MORRISON. Mr. Chairman, I wish to take this opportunity to thank both you and my distinguished colleague from Louisiana for those kind remarks, and to express to you, as chairman, and members of the committee my appreciation for the opportunity of testifying here before your committee on this very important matter.

I do not know of any legislation which is more important to my district than is this legislation. I want to compliment the committee on taking the time to bring it up at this particular time and to go into it so thoroughly. I commend the chairman for his introduction of the bill.

I want to say all over the United States I think this is the most important and most needed and should certainly be well coordinated, and if I may refer particularly to my district, in which the largest city is Baton Rouge, La., the city is located on the Mississippi River some 180 miles, I believe, from the mouth of the Mississippi River. In other

words, I believe, Mr. Chairman, it starts in your neck of the woods and ends up not far from the largest city in my district.

Because of this important river, which has, of course, vast important factors and usages, such as intercoastal waterway and barge transportation, and then to in particular so many industries have located in Baton Rouge, and the area between Baton Rouge and New Orleans, primarily to get a sufficient amount of fresh water so they may use this in their various chemical industries—there has been a problem as far as these industries are concerned in getting sufficient fresh water, and water that is pure enough to use in their respective industries.

It is, of course, not any one standard that any one industry requires, because there are several aluminum plants there that take the bauxite and transform it into alumina, and then that in turn is sent elsewhere and transformed into pig aluminum. That process of changing this bauxite into this white powder alumina has a considerable amount of waste to it.

There are several oil refineries, some of the biggest there, and more are going to be constructed in the very near future.

There are also such plants as the Esso Corp. which makes tetraethyl lead and is now going into the manufacture of chemicals.

There are also plants which make caustic soda and other chemical products. The Dow Chemical Co. is likewise there, and this uses a tremendous amount, as do all these industries, of fresh water from the Mississippi River in their industries.

In this process they take this water out of the Mississippi River, and then they have to put it back in many instances with a considerable amount of waste. I say in a very complimentary way that everyone of these existing industries that is there has been very well aware of the importance of trying to refine this water in a practical way, so that when this water and this waste is returned to the Mississippi River it does not give any undue or great amount of pollution there which would affect the river as it goes further on its course to the Gulf of Mexico.

I can say that these new industries in particular are putting in at the very beginning every modern technical design to try to purify that water that has been used and keep the waste down to a bear minimum that goes into the river at this time. Of course the question may have come up—very properly so—just what exactly is the condition of that water by the time it hits Baton Rouge? I think that is something that this bill is certainly going to take into consideration, and that these various other States which are bordering on this Mississippi River and its tributaries likewise, will do everything possible to minimize the amount of waste and the amount of pollution that is going into this water.

The city of Baton Rouge I think has set an example—and a very fine example. It so happens that the city of New Orleans uses for its drinking water and city water, and other purposes, all the water supply for that great city—and it is a metropolitan city of over a million people some 80 miles below Baton Rouge—uses Mississippi River water as it goes through its filter plant and is refined, and is used for drinking water and other usages in their municipal water system in that great city.

So the city of New Orleans has been very, you might say, interested and has been very concerned about these industries; furthermore, about the pollution of the water as it exists up to the time it gets to the city of New Orleans where they use this water supply.

It so happens in Baton Rouge, which today is I suppose second or third—or close to the second largest city in the State, and one of the most rapidly growing cities in the entire South—they entered into a very auspicious program to do something about this problem. A few years ago practically all of the sewers in Baton Rouge had their system go into the Mississippi River more or less as raw sewage. The city at great expense, and these industries which pay a large part of the taxation for the city, developed a very large program costing \$20 million in local funds and \$2 million in Federal funds, and put in three sewage treatment plants, and these three sewage treatment plants give this sewage treatment what is known as primary treatment, and the effluent from the entire Baton Rouge water system goes into the Mississippi River free of any bacteria, using chlorine and other chemicals to purify the water to that extent and clear it of raw bacteria. Of course it could be treated in a secondary way at a great expense and be fit for drinking water, but it is given the primary treatment and goes into the Mississippi River at Baton Rouge free of bacteria.

Since Baton Rouge I think has taken a very forward step it would certainly mean Baton Rouge is in a position to say to cities both large and small above Baton Rouge, We have done something about our sewage system which was polluting the Mississippi River; how about you following suit? I think they have certainly given a good example. I think a lot of that is based on the fact that the citizens of Baton Rouge, the industries there, and the various civic organizations, have had a very forward look and have taken a very forward position as far as this very important matter of pollution is concerned.

Then, too, I might bring out that our State department board of health which handles this matter on a State basis has been very, very active, and I think they deserve commendation for the outstanding work they have done, not only in the largest cities, not only on the Mississippi River, but in other cities, smaller communities, in connection with other streams throughout the State.

But I would like to point out to the committee this one I think very, very important factor, and I am sure other Congressmen may have the same problem come up in their respective cities which are located on the various streams and water facilities throughout the United States, and that is that this program should not be put into effect in such a way that by too much haste it will cause a great deal of economic hardship in some instances causing possibly existing industries to perhaps stop operating, close up, or just do away with their particular industry. That can be done in many ways.

Many industries have been trying to do it on a voluntary basis. I think many industries who may not want to do it on a voluntary basis can be persuaded they will do it and do everything possible to bring about the least amount of waste material going from their industry into a stream of water.

If I may, I would like to bring up a case in my own home town of Hammond, La., a city of about 15,000 people. It had nothing to

do with the Federal Government, but it did have a more or less clash between the State board of health, which had its laws and regulations and rules as far as pollution of streams is concerned, and I would say if the State had taken the position they had to do something immediately, my hometown would have lost the biggest industry outside of colleges in the community.

It so happens that this particular industry was quickfreezing all kinds of vegetables, and on occasion shrimp, but in particular they were quickfreezing sweet potatoes. They would have to remove the peelings and certain parts of the sweet potatoes, and the sweet potatoes had to have an acid treatment, and the waste of this would get into a stream. As a result of this while the State board of health said you are violating these regulations and rules, and you are going to have to do something about it immediately, this particular company had not been there very long and, as a matter of fact, they had moved there from another State because they were expanding their operations, and we thought we were very fortunate in having them.

Even though it was not a Federal question involved I stepped into it because I thought if I had not stepped into it we would have lost this very important industry to this community. Frankly I believe we would have lost it. What they wanted to do at that time was to say, "You cannot dispose of those potato peelings and that refuse any more in the way in which you are doing it." I said I do not think this company feels they can go on doing this. They have put in a new system of operation here; they did not know how much pollution it was going to cause until they started operating; now they find out, and I believe this, if you gentlemen here with the State agency will just be a little tolerant and give these people time and help them work out their problem, and at the same time the mayor and the commission council likewise help them to work out their problem, it can be solved.

So the plant went on operating for 2 or 3 years and many experiments were tried, and finally the city got together, and they worked out a system where they could make a treatment plant and a separate system just to handle the refuse from this particular plant.

That illustration I think proves conclusively that if there were too much haste and if there were too much pressure applied for quicker action, my hometown would have lost one of its largest industries, and certainly we have not too many of them—and this was a very important industry—and by the experimentation and cooperation between the city administration, State officials, with me more or less acting as a referee, and doing everything I could to help bring about a solution, in a matter of a little over 3 years the problem has been solved.

I think one of the most important things as far as this committee is concerned in this very, very important legislation is to see that in putting this very important legislation into effect it has the proper safeguards as to time, and that it does not cause any one particular industry, whether it be located in Baton Rouge, La., or any other place in the United States, some undue economic hardship which would keep it from making its usual profit or which would create too great a burden to the point where it would have to suspend its operations.

I further think that whereas some have advocated before this committee, I understand, that we should discourage court action, I think

frankly any industry, or anybody affected by this bill, or any other bill for that matter, should certainly have the opportunity and certainly have the right if they think they are being deprived of their property or an opportunity to operate in any particular locality, to certainly go and have a court review.

So if I may at this time I would like to conclude and say that this legislation is most important, and I think that all of us certainly agree, all of us who have had any experience or knowledge of what it means to have these waters polluted, that something has to be done. I think by working with the State agencies which have a responsibility for coordinating their efforts and at the same time where you have interstate industries, and so many interstate waterways, by more coordination and seeing all of them try, I think certainly this great Nation of ours can be helped tremendously by saving our streams and our rivers and our lakes, and at the same time protecting our industries because, just to put it from a selfish standpoint, as far as the city of Baton Rouge is concerned, where more and more industries are coming in, if the water gets too polluted to where the fresh water will not suit those particular industries, right there we have a cutoff point. If an industry wants to come into the Baton Rouge area, it would be prevented from coming in there because it most likely would feel it used to be that we could get fresh water, and water that was pure enough for us to use, but it is too polluted for our operation now, and so for that reason we cannot come in there.

So you might say, with all those problems added up, and with what existing industries have as their problems today, to help work out their problems, I think that certainly by getting a uniform program set up throughout the United States, in full cooperation with the State agencies and the State governments, many of whom are doing a great deal about this problem, I feel that this could do exactly what the act is intended to do and at the same time not work too great an economic burden on any particular industry or destroy any existing payroll.

So I say with that taken into consideration, and using the proper guidelines, and doing whatever is necessary to give these various industries and individuals, and all those in the cities and the communities both large and small, an opportunity to do something about their problems, as did the city of Baton Rouge, I believe that this will do a tremendous amount of good for the Nation as a whole, and at the same time do very little, if any, harm.

Gentlemen, I certainly want to take this opportunity to express my appreciation for the privilege of being able to appear before you here today.

Mr. BLATNIK. As always, the gentleman makes a very persuasive presentation, obviously one based on firsthand knowledge, on practical realistic workings of the program, and on an understanding of the other problems that do confront industry people if a practical and realistic approach is not used to give them an opportunity to work out their problems, give them the time that may be required.

You present a very convincing and effective case, Congressman.

Mr. Thompson.

Mr. THOMPSON. Mr. Chairman, it is not often I have the opportunity to cross-question my distinguished friend, but I usually find him ex-

tremely well informed, and I would like to associate myself with the remarks he made as to cities in my district.

I would like to ask my colleague, Mr. Morrison, this question: If this legislation, in effect, would set minimum standards to be observed by all municipalities and industries over this Nation, do you think there would be incentive enough for them to not only try to reach these minimum standards but to go even beyond that in their own research and development?

Mr. MORRISON. I certainly think that, as you say, those minimum standards should be set, and that every city and municipality should be encouraged to try to work them out to the best of their ability.

I think that already the Federal Government has gone a long way in offering planning, money, other funds, so that these various services can be made for sewage treatment plants and sewage programs, and also Federal funds have been available for many municipalities which are small and have limited taxes, likewise limited income, and today with the help of the Federal Government they have a sewage treatment plant and a modern sewage system that no longer burdens that particular stream on which they are located with the pollution of dangerous materials and bacteria, and everything else going into these streams.

Mr. THOMPSON. Pursuing that, you know there is recourse to the courts now when one of the States imposes upon another, under the existing practices of the Department of Health, Education, and Welfare. Do you know of any single time when such case has gone to court?

Mr. MORRISON. I do not know of a single time in Louisiana where they have had any case in court in connection with pollution of streams with the exception of a more or less minor case where gravel companies would insist on putting a gravel suction dredge in the middle of the river instead of building an inland waterway where they could put it and accomplish the same result.

That necessarily is a very minor pollution problem, and is made at the time by not taking safeguards, but I know of no other problem regarding industrial waste or other municipal sewage or effluent that has necessitated going to court.

I think in most instances cases are settled among themselves, where they accept the problem and then try to remedy it.

Mr. THOMPSON. Of course even in that case it would occur to me—and I think you would agree—that is more a case of say the Corps of Engineers in regard to navigation than it is pollution.

Mr. MORRISON. Correct.

Mr. THOMPSON. You did mention court reviews. Do you believe judicial review would be a good part of this act? I think it is implied in the written bill that this will occur, but do you think a judicial review is a necessary factor?

Mr. MORRISON. I certainly do, and I do not see any reason why you should not have judicial review. If any industry or group or individual feels it cannot abide by the regulations or the guidelines, or thinks they are unfair as far as an individual industry or individual operation is concerned, I see no reason why—and I certainly would urge this committee, and any other committee considering this legislation, that you should have a court review.

Mr. THOMPSON. Thank you. That is all I have.

Mr. BLATNIK. Mr. Harsha.

Mr. HARSHA. Mr. Chairman, I want to commend the gentleman from Louisiana for his statement. I think he made one of the best arguments I have heard for my position on the bill, and that is there are many problems confronting the uses of these waters, and that the localities and the States must work out a partnership and cooperative program in this thing. He has recognized that the localities have a tremendous stake in this, in fact sometimes their entire economic welfare may be predicated on the use of this water, and certainly we have to exercise caution in the use of these waters.

By the same token we have to recognize some other long-range problems that are created by that, and his statement points out the fact that there is great need for local participation and cooperation in this project.

That is the only point I wish to make.

Mr. BALDWIN. Will the gentleman yield?

Mr. HARSHA. Surely.

Mr. BALDWIN. Mr. Morrison, I thought your statement was a very well-grounded statement. Do you have any specific recommendations for amendments that you would like to make to the bill?

Mr. MORRISON. No, except those that I brought out, more or less in generalities, about guidelines and about cooperation with various State organizations and various State laws.

Mr. BALDWIN. The reason I ask is, of course, that when we get down to writing up the bill we have to have some specific amendments before us, and that is the reason, based on the experience which you have had, which is certainly very fruitful experience, I was just wondering if you might have any instructions or suggestions as to specific language you might want to submit to this committee.

I might say I just noticed our two executive sessions for Wednesday and Thursday of this week are canceled, so we will not be writing up the bill until next week. Therefore, if you have any specific language to suggest, I think it would be most helpful, if you could circulate it to the committee.

Mr. MORRISON. You are most kind in giving me that opportunity, and I appreciate it.

Mr. BLATNIK. Mr. Roberts.

Mr. ROBERTS. I want to commend you on your statement, and I commend particularly your statement about burdening a particular stream. I can see where they would be more tolerant of a tremendous river like yours than they would in my place where it is a very small stream, but would judicial review be adequate protection without sabotaging the bill? Would it do the job?

Mr. MORRISON. Of course, you get in this field, if you are going to say that this has to be taken into consideration, and that has to be taken into consideration, it is more or less a question of saying we are all for not polluting these streams, but we do not want to do anything about it.

In other words I mean with so many industries and so many technical developments in the way of industries using this fresh water—and I certainly want to commend these industries, so many of them who have voluntarily tried to do something about it—by their own operations, with so many of them, it is more or less like trying to

kill the very goose that is laying the golden egg, the very fresh water that has given them the opportunity of being able to operate and make these very necessary chemical commodities and other commodities so extensively used in the United States.

Of course, that affects these large streams, but, on the other hand, I think it is more or less in proportion. You are going to have problems in large streams and in small streams. Perhaps in your small stream community you may have only one particular industry.

I know of an industry in Louisiana that is one very small stream, and the stream would get dry part of the time, and if they did not have enough water—the pollution was terrible—so what they had to do was dig a deep well, provide enough water so when the water table got too low in the stream, they had to pour all this reservoir water into the stream to make up for the drought and lack of rain that they had.

That was a little stream affected by a big industry, but there again the industry, the city itself, and the State, more or less, got together and solved their problems.

Where they do that, fine, but in some cases they may not do that, and there again, as I see it, it is necessary for a bill like this, but at the same time you should have the guidelines and the safeguards so that no one individual or no group of individuals or industries should suffer a great economic hardship by it.

Mr. ROBERTS. May I impose on you for one other thing?

Mr. MORRISON. Certainly.

Mr. ROBERTS. I am in a town of 15,000 where we have one industry with the same situation. I am trying to get some information. Suppose whoever is running this show—the Secretary of Health, Education, and Welfare—cites the Ethyl Corp., which is a plant whose basic patents are of tremendous value, and say, "Show up with all your records."

You would not object, I would not object if the records had anything to do with the contributions toward pollution, but how are you going to write the language so that we can say, "Bring what applies to pollution, but do not bring all your records in"?

Mr. MORRISON. I certainly understand your question, and I certainly agree with you that is very, very important, and I think to answer that you have so many skilled members on your committee, and a very skilled staff of expert counsel. I think certainly those safeguards can be worked out, and particularly, if I may go a little further from your question, where they were required to bring records in which may not affect the pollution of a given stream or lake, or body or water, there again is their opportunity to go to court to have the court review it and say whether they have to, or whether they do not have to bring all of a given amount of records into the court.

But where you have 50 diversified States, you more or less have to have some general guidelines, and at the same time you have to put safeguards in there so it will more or less take into consideration the smallest individual interests or one industry, or hundreds of industries on one particular stream or lake, but that is where the importance of this bill comes in, and that is why I think this bill is so vitally needed and needs to have these guidelines and have the overall general pattern, because with your overall general pattern of preventing pollu-

tion you have everybody working toward that instead of maybe one group over here working toward it, and another group in the same or another State not doing their proportionate share.

So with your proper guidelines and safeguards in it, I think you can certainly accomplish what you are trying to do and at the same time prevent anybody from suffering disaster of economic hardship.

Mr. ROBERTS. Thank you, sir.

Thank you, Mr. Chairman.

Mr. MORRISON. I certainly want to thank the members for this opportunity.

Mr. CRAMER. May I ask just one question?

Mr. BLATNIK. Mr. Cramer.

Mr. CRAMER. Economic hardship is not one of the tests written into the standards section. Do you think economic consideration should be specifically written into the criteria for determining standards?

Mr. MORRISON. I do not see any reason why it should not play a prominent part in being considered so that—put it this way: I do not think there is a single person on this committee who wants to put one person owning a business, or one industry, out of business, or wants to take away one payroll from any community. On the other hand, you have to have an overall pattern, and an overall program that this bill is attempting to create, so if you can work it out so as to protect a person or industry from having economic hardship, and at the same time giving him a court review so he would have a chance to give his position and have it thoroughly reviewed by court, I think you will get the maximum result from just exactly what you are trying to do here today, and that is get a bill which is so badly needed in this great Nation of ours.

Whereas the need for it is great now, as you look down the road 5 or 10 or 20 years from now, with our technical developments, it is going to be needed even more then, and I certainly commend you all for taking charge of the bill right now and doing something about it, because I know of no legislation that affects all of our people that is more important than this particular legislation that you are taking up today, especially when you look down the road 5, 10 years, 20 years from now, or even further than that.

If you put the necessary safeguards in, I think you will be doing the country a magnificent job of protecting every person in this country today, and protecting those in future generations to come.

Thank you very much.

Mr. MCCARTHY. Mr. Chairman.

Mr. BLATNIK. Mr. McCarthy from New York.

Mr. MCCARTHY. I just wonder if I could ask my colleague one question. I just left private industry where for 13 years I did not observe a single case where any company with which I was associated, or competitive companies, voluntarily complied in the way you suggest. It was usually some enforcement which obliged them to abate a condition of air or water pollution.

Not a single case did I observe of voluntary compliance, and yet not a single case did I see where compliance that was enforced resulted in the removal of that industry.

This is not to say that it is not an economic hardship in the sense that this equipment to abate the air or water pollution is not very expensive—it is—and in many industries there is no real recovery.

In other words, these inexpensive raw materials, what you recover really, is not worth the cost of the equipment.

I am wondering if you would care to comment on a thought that was brought up here this morning about possible tax incentives to these companies to install this equipment?

Mr. MORRISON. Frankly, I am not a technical engineer nor a tax expert, so I am not in a position actually to go into ramifications of any taxes, but I think this, that some industries have tried to face up to the problem, have spent a lot of money in research, have been very, you might say, forward looking in their approach, and tried to do something about the problem. In some instances they have put that in actual operation, both as the result of knowing that eventually they would be forced to do it maybe, and at the same time having the pressure from the various State agencies in charge of the State regulations and rules governing that particular industry.

Some do and some do not. The ones down in my locality have done it, I think in a magnificent fashion: in your locality they have not. That is why I think you need the bill and the legislation.

I think that is a wonderful argument for it. Again, I think where you have one isolated company perhaps they say, Why should we spend this extra money to do something about it? On the other hand, where you have a picture, as you do in Baton Rouge, of so many industries needing that fresh water, they realize if they do not do something about keeping that water fresh and up to a certain standard they themselves will be out of operation. So perhaps self-preservation of their own plants causes them to do more on their own than they do in your particular area, or your particular district.

Then, too, maybe our State laws are a little more, might I say, further advanced in forcing them to take proper heed to certain standards that other States may not have. Again, that is the best argument there is for this very act, for this legislation that is before you today.

Mr. CLAUSEN. Will the gentlemen yield?

Mr. MCCARTHY. Yes.

Mr. CLAUSEN. You state that your laws in the State of Louisiana are advanced. Are you also suggesting what you really need is some enforcement? Could you elaborate on this?

Mr. MORRISON. I think the laws in Louisiana are excellent. I think the board of health has done a very excellent job, and I think the enforcement of it has been excellent as well, and I think that is the reason for the development of these sewage systems I just spoke about in Baton Rouge where they spent \$22 million and treat every drop of sewage or effluent that goes into the Mississippi River, and when they put the chlorine and other chemicals in there, when it goes in the river it is free, whereas years ago, before they had these State laws, and before they had the State board of health in charge of it, raw sewage went into the Mississippi River.

Mr. CLAUSEN. You have made reference to so-called patterns or guidelines that are to be provided here in this legislation. In effect are you saying we should have some minimal standards?

Mr. MORRISON. Certainly I do not see how you can get by or have a bill without certain minimum standards.

Mr. CLAUSEN. We are dealing with semantics here. You have used the expression "pattern of guidelines." In other words, you would use the expression "quality standards"?

Mr. MORRISON. Certainly.

Mr. BLATNIK. Thank you, Congressman.

We also have another colleague and friend of ours, Congressman Robert McClory, from the 12th District of Illinois.

Mr. McClory is a member of the Subcommittee on Natural Resources and Power, more familiarly known as the Jones committee, headed by a very distinguished member of this committee, Congressman Jones, of Alabama, who is perhaps one of the outstanding authorities and most knowledgeable Members of the Congress.

We welcome you this afternoon. I notice you have a prepared statement. It will appear in its entirety in the record.

STATEMENT OF HON. ROBERT MCCLORY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. MCCLORY. Very well, Mr. Chairman. Thank you, and I appreciate this opportunity, and I certainly want to commend every member of the committee on its investigation of this subject and its consideration of the important water pollution abatement legislation. I am confident that it deserves the fullest and fairest attention which this committee can give to the subject.

The reason I am impelled to testify here today is that I did have the experience for about 2 years serving as the ranking minority member of the Subcommittee on Natural Resources and Power, investigating this precise subject of water pollution. We conducted extensive hearings here under the chairmanship of your colleague on the committee, Bob Jones, of Alabama, in Washington, and throughout the Nation in almost all of the important river and waterway basins. We heard from literally hundreds, if not thousands, of witnesses who were on the local scene administering and dealing with this problem, including those in charge of water pollution control in the various States, the State agencies, and local agencies, including a great many volunteers who are interested in this subject.

I want to make a few comments that relate to this experience and also affect this legislation. As you stated, Mr. Chairman, I will just summarize, as very briefly as I can, but since your bill suggests an amendment to the subject of policy, congressional policy, I think it is very well to consider this part of the legislation and be sure that we are not departing from the policy which was established in the 1956 and 1961 acts, and that is that the Congress shall set down the policy and not delegate that policy to some other agency or administration. I am sure it is the intent of the Congress to retain the policy and, if so, I think we should make that clear and definitely state it.

In your bill last Congress, Mr. Chairman, you stated in so many words a national policy, and I think it would be well if we are going to restate it, to restate it here. In addition to this language in this legislation it at least became apparent there is a growing need for a growing effort to establish a policy quite different from that which was established in 1956 and 1961.

I might say that coupled with that is the suggestion which is contained in this legislation for establishment of a new administration, a new Assistant Secretary of Health, Education, and Welfare, to more or less take over this subject of water pollution and water pollution control and abatement.

I would like to say on that score throughout our hearings, and throughout the Nation there was a general support for the existing administration of the water pollution control legislation, and a general apprehension of transferring this to some new body, especially an aggressive body which seems to be appearing in connection with this legislation.

On the subject of standards of quality, I would certainly like to suggest that the Congress continue to its stated policy of retaining as much as possible the establishment of standards of quality in the States. There are a number of States that have already initiated this type of program, and it seems to me important that the States should do the job, even individually or by groups of States, by interstate compacts which the Congress again has stated we are encouraging, and we want to encourage and develop, and only in those cases where the States cannot agree should the Federal Government be authorized to make the decision which the States themselves seem unable to make.

I might say in that regard that we should certainly consider standards of quality with regard to underground water. There is a growing practice of reinjecting materials into the ground, and the largest supplies of water come from underground, and not on the surface, and so to preserve the quality of the underground waters against these practices that are developing, it seems important to include underground waters as well as the surface waters.

The subject of compliance by the Federal Government is omitted from this legislation, and I think that is unfortunate because I think where the Federal Government through its facilities is polluting the waters it should be subject to just as rigid control as any other agency, and I see no reason why the Federal Government should not have to comply at least in the first instance with local and State regulations as a minimum; if we want them to assume some higher responsibility, then we can require them.

The subject of data gathering and research is something that should be included, because with this growing interest in water pollution and water pollution abatement, and all of the research activities, there is also a growing tendency to proliferate, duplicate, and this has been recognized by the Congress before, and there has been some progress made on that. But I think in connection with considering this legislation it should also be covered.

With regard to another important subject which is not covered in this legislation at all, as I see it, is the subject of septic tanks, and I think it is something that the Federal Government has got to take cognizance of, because the septic tank is polluting the waters of this country perhaps more than any other single source.

We find today that the only regulation that there is on the part of the Federal Government is in the regulations which the FHA and other lending agencies impose, on which they condition their loans on compliance with local requirements in that regard, but I see no reason why a Federal policy cannot be established with regard to septic tanks.

There is just one more thought, and that is with regard to the subject of enforcement. Because I think that enforcement is an important part of the program, but I am sure that the Congress when it enacted the 1956 and 1961 laws considered that the conference was to be in the first instance a meeting ground of which the various agencies concerned would try to work out the problem in an amicable way. My experience in the Jones committee hearings has been that frequently the conference has resulted in irriation, in a lack of compliance and cooperation and coordination between the agencies, just because of the fact that it was initially an enforcement proceeding.

I would like to see perhaps an added paragraph or an added section in this legislation which would establish an initial or a preliminary conference for the purpose of getting the various law enforcement and the various water pollution control agencies together. In every case where we inquired of the regional director of the Public Health Service, we found that there was good cooperation, and the programs of the States were on schedule; they were not lagging behind, but they were cooperating with the Public Health Service regional directors.

I think we want to recognize the great progress that has been made under a good program that we have and try to implement that in connection with dealing with this great national problem.

Thank you very much, Mr. Chairman.

Mr. BLATNIK. Thank you, Congressman.

Are there any questions?

Mr. BALDWIN. I have a question.

Mr. BLATNIK. Mr. Baldwin.

Mr. BALDWIN. Mr. McClory, I want to commend you on the recommendation you made about Federal installations. In the San Francisco Bay area without any question today the biggest violator, and theg rossest violator, is the Federal Government. The State of California has set up a series of water pollution control boards by region, and the California Water Pollution Control Board for the San Francisco Bay area region has jurisdiction over cities and has jurisdiction over the individual industries, and it has forced those cities and local industries to pay over \$200 million to improve their sewer treatment plants and to improve their means of disposal of waste.

The Federal Government is not subject to this State Water Pollution Control Board, and so the Federal Government has for a series of years been dumping raw sewage in San Francisco Bay. This included Benicia Arsenal and the Treasure Island Naval Station. In addition, the Bureau of Reclamation wants to dump alkaline drainage water with pesticides and chemical residues in San Francisco Bay, and in effect it would completely offset the expenditure of \$200 million that the local State water pollution control board has required of local industries and local cities to meet its standards.

It makes the efforts of the local industries and the local cities completely futile, as well as the State water pollution control board, to see the Federal Government's installations thumbing their noses at all reasonable standards of pollution. I want to commend you for the recommendation you made in this bill.

Mr. MCCLORY. I think there may be some constitutional question involved there—I don't think so. I think this Congress has the au-

thority to require Federal installations to comply with State and local regulations.

I might say that President Eisenhower, President Kennedy, and President Johnson have all urged programs to have Federal installations clean up their pollution, and I might say further that as a result of the hearings which the Jones committee conducted, and the inventory which resulted from those hearings, there has been tremendous progress made at the Federal installations, but that does not mean it is not appropriate for this committee to enact appropriate legislation on the subject.

Mr. BLATNIK. Thank you, Congressman.

Mr. CRAMER. Mr. Chairman.

Mr. BLATNIK. Mr. Cramer.

Mr. CRAMER. Mr. McClory, I welcome you before this committee, you being a new member on a judicial committee in particular, and I want to congratulate you on your very excellent statement. I can see that you put a tremendous amount of work and effort not only into your statement but in this general subject matter. I think your learned testimony will be most helpful to us.

I was interested in particular in your suggestion on page 5. As you know, all reports of the Jones committee have not yet been filed. Could you give us some indication, do you have any knowledge, as to when these reports may be filed and what additional reports are yet forthcoming?

Mr. McCLORY. We filed a report on Federal installations, and we filed several other reports. The report on municipal sewage has not been filed, and that would be a very important contribution. The subcommittee did substantially approve that, and I would hope that the report could be completed and filed for the benefit of this committee, but I am not certain at the moment what the chairman's intentions are.

Congressman Jones also serves on your committee, and I think it might be appropriate to make inquiry of him, and see if the benefit of that report could not be made available to the committee.

Mr. CRAMER. Obviously you did not answer the question, and I will discuss it with Mr. Jones as well. I do not see how we could properly act on this legislation without a thorough analysis as to what the Jones subcommittee has done, and what their recommendations are in this field as a result of this rather exhaustive on-the-spot testimony from people involved in the full scope of this program. In other words, I think a lot of valuable work was done, and I would hope that all that information can be made available to us, and I think the testimony you have give us most helpful.

Incidentally, to a large extent, it is right along the lines of many of the questions we have been raising with regard to this proposed legislation. I congratulate the gentleman.

Mr. CLAUSEN. May I ask this question?

Mr. DORN. Mr. Chairman.

Mr. BLATNIK. Mr. Dorn.

Mr. DORN. Just one short question. If we permitted the Federal Government, after we passed a bill of this nature, or agency of the Federal Government, to make a fraud and mockery of pollution standards, why then the bill would just be worthless; is that not a fact?

Mr. McCLODY. I would think so. I have read the testimony that was given before the other body on this legislation, and it seemed to me that the excuses for the Federal agencies not complying were quite flimsy. In other words, they say—they pretty much throw the burden back on the Congress—that the Congress did not appropriate the money for the sewage treatment facilities, and that is the reason why they are polluting the waters.

I do not think that is the way to answer a question relating to a problem of this kind. I think that the committee has within its authority to recommend legislation requiring the Federal agencies to comply at least with the State and local requirements.

I am delighted my colleague gets that into the record, because we have had testimony here to the effect that agencies of the Federal Government should be subjected only to publicity, while having standards and subpoena powers for industries, municipalities, and individuals. I think that is most unfair, and I appreciate your remarks.

Mr. JOHNSON. Will the gentleman yield?

When your committee was studying the problems I presume that you studied some of those in the State of California as it related to river developments, and the delta and bay areas of northern California. I heard today about the Bureau of Reclamation polluting certain areas of California. Did you run into any information concerning any of the workings of the Bureau of Reclamation as being a source of pollution?

Mr. McCLODY. I am sure we have that in our testimony, or our literature, but I do not happen to recall it specifically. I do recall a pollution problem in the lower Colorado River with regard to the salinization of the river through development of a reclamation project, and that was something of genuine concern to us, because we took a clean body of water and destroyed it by a Federal project, which was unfortunate.

Mr. JOHNSON. Prior to that they had no water, so a little water that might have been polluted, or minor amounts of pollution in the Colorado River is a very different thing. If we had used that for a source of supply for our growth we would have had nothing. I think that reason was found in the Imperial Valley, which was a very resourceful valley development on the Colorado River, and the great metropolitan area of Los Angeles as we see in our domestic industrial waters.

Mr. McCLODY. I do not know whether we are talking about the same subject.

Mr. JOHNSON. That is the same river you are talking about.

I heard mention here by Congressman Baldwin, of California, also, that the Bureau of Reclamation was polluting a portion of the bay and the delta of California. I think that the last legislation that was passed by the Congress authorizing the San Luis project protected that whole area in making sure that a drain would be constructed meeting the health and pollution standards of our State. That is the testimony in another committee that I serve on. They are bound, and it is mandatory upon the Federal Government in building that drain that they meet all the pollution standards. The same thing would go for an extended drain on the part of the State to take care of their development at San Luis, and combining those two new areas

they have provided in the legislation, and it is mandatory upon the Federal Government, to build their drain meeting those standards; it is also a pledge and a mandate by our Governor and the people in high places in government that the State plan or drain will also meet those standards.

So I have heard of two that are in California, the San Luis drain, where it will be a part of the State main drain and the State's drain out of the area will meet those standards, so I do not think the Federal Government's development in northern California, at least by the Bureau of Reclamation, and also in southern California, as part of the development on the Colorado River, which has made it possible for our State to grow, has contributed to this pollution problem. I think there is plenty of pollution, but I think in those areas, in the delta and bay areas, it was there for a good many years, and I think every installation adjacent to it has been contributing to that pollution problem.

Recently they have made these studies, and they find exactly what they have, and I just hate to see anything go in this record to point out the fact that legislation authorizes the Bureau of Reclamation to go forward with developments out there which is causing pollution or will pollute and do damage to our rivers, our delta and the San Francisco Bay area.

Mr. BALDWIN. Would the gentleman yield?

Mr. JOHNSON. Yes.

Mr. BALDWIN. The local San Francisco office of the Public Health Service has made public their statements on the subject with regard to the San Luis drain. They have stated simply that they desire to make a survey and make a determination on this. As the gentleman from California, Mr. Johnson, was not here when Mr. Udall was testifying 2 days ago, the Secretary from the Interior concurred that he felt the study should be made first, before a determination was made on this subject.

Mr. JOHNSON. Since his testimony, he has written another letter, and I might say to my good friend from California—I have no quarrel with what the Bay people and the delta people are expecting, but in this legislation it is mandatory that they meet these standards, and certainly there is no cause for delay on the construction of this drain. There is Federal-State participation, and certainly they want to use that water, and the drains should be in at the same time, so we can have the project put into operation, because it fits into our overall plan.

I believe in there the legislation is mandatory that they complete this Federal drain as it relates to the San Luis project at the time the system was supposed to be used.

Mr. BALDWIN. If the gentleman would yield?

Mr. JOHNSON. Yes.

Mr. BALDWIN. The authorization is just like any other authorization bill. There is also an authorization bill to build a protective dam for the Rainbow Bridge in connection with the Glen Canyon project, but nevertheless Congress has never appropriated any funds for that purpose, so as a matter of reality the San Luis project is just like many other projects; it has a series of authorizations. It is up to Congress to determine the order in which they appropriate funds in connection with it. In connection with the Rainbow Bridge, up to the present

time, despite the fact that Glen Canyon has been constructed, the Congress has not yet appropriated, and there is some doubt as to whether it ever will appropriate, the funds authorized in the bill for a protective dam for the Rainbow Bridge.

The point I am bringing out is the fact there is an authorization bill that authorizes various things, if you want to go back and check the number of flood control projects which have been authorized by this committee that have never been funded, you will find they are quite voluminous.

Mr. JOHNSON. I am not questioning that, but this project is under-way. In the legislation that provided the drain shall be in operation when the water is used upon the land, so any year or 18 months delay is going to cause a great deal of chaos in that entire project. The Federal Government project which is about 35 percent completed at the present time is going right on up, and it should have the money to build this particular drain.

I hate to use the time of this committee, because I felt in the Interior Committee the other day the answer of the Assistant Secretary, speaking for the Department, was in line with the legislative mandate in the bill, and that the project itself was going ahead, and the necessary requests for appropriations to continue the project would be forthcoming.

We have read twice in California where this is going to be held up, and each time we get a new stand on the part of the Secretary of the Interior. I might say there has been a letter written since he made his testimony in the record here.

I appreciate the time, Mr. Chairman. This is not the place to do this, but I hate to see the Bureau of Reclamation brought in here as far as a reference that they are going to be the big polluters in our State, because they are not.

Federal legislation has been enacted here that has carried protection from the very people who are supporting this legislation.

Mr. BALDWIN. The only question asked of the Secretary of the Interior—if the gentleman will yield—was if he was in agreement with the message of the President of the United States that a determination of pollution should be made before something is done, rather than afterward, and the Secretary of the Interior's testimony was in accordance with that—that he was in agreement with the recommendations of the President of the United States, that the determination should be made before and not afterward.

Mr. JOHNSON. I would just like to say that the study has been underway, they are well aware of the responsibilities on the part of the Federal Government to take care of this, and they are very cautious as to what they are willing to do about the drains, the same thing with the State. The State has its responsibility. The State has more time than the Federal Government. In the legislation there is a mandate that the drain which services the San Luis Fork that is under the Federal Government is to be placed into operation so they can control the waters that run on new lands.

Mr. BLATNIK. Thank you, Congressman.

(The statement of Robert McClory of Illinois follows:)

TESTIMONY OF ROBERT MCCLORY, REPRESENTATIVE IN CONGRESS, 12TH DISTRICT OF ILLINOIS

Mr. Chairman and members of the committee, it was my privilege to serve during the 88th Congress as ranking minority member of the Subcommittee on Natural Resources and Power of the Government Operations Committee with the Honorable Robert E. Jones, Jr., of Alabama as chairman of the subcommittee, and under the general chairmanship of the Honorable William L. Dawson, of Illinois, chairman of the House Committee on Government Operations, investigating the general subject of water pollution and its effects on our water resources and general economy.

The hearings held by our subcommittee, popularly known as the "Jones committee," were the most extensive on this subject which has been held by any committee of the House or Senate. These include extensive hearings in Washington, D.C., from May 21 to June 18, 1963; and, in addition thereto, regional hearings held at Trenton, N.J. (dealing with the Delaware River Basin); Chicago, Ill. (dealing with the Great Lakes-Illinois River Waterway Basin); Hartford, Conn. (dealing with the Connecticut River and other waterways in New England); Seattle, Wash. (dealing with water pollution problems in the Pacific Northwest); and in Austin, Tex. (involving the Rio Grande and other river basins in that area).

My appearance before this committee today which is considering H.R. 3988, sponsored by the Honorable John Blatnik, as well as other relevant bills, including S. 4 sponsored by Senator Edmund S. Muskie, of Maine, is for the purpose of setting forth a number of observations affecting the complexity of the entire water pollution problem and the need for comprehensive water pollution legislation, including subjects covered in the amendments embodied substantially in H. R. 3988 and S. 4, and also a number of additional amendments or legislative measures which I will endeavor to touch upon in the course of my statement.

The need for such comprehensive legislation and for the development of a coordinated water pollution abatement program should be obvious to all who have given earnest consideration to the subject of water pollution—as have you, Mr. Chairman, and as have other members of this committee and of the House of Representatives.

The testimony we received which came primarily from regional and State administrators in charge of water pollution control indicated, in my opinion, a firm opposition to additional Federal legislation at the present time. As we know, the Congress recognized in the 1961 act the primary responsibility and right of the States in preventing and controlling water pollution. Accordingly, the views of these individuals should be of the highest significance. I note, for instance, in section 1 of H.R. 3988 and S. 4, an amendment to change the declared policy of the Congress. The purpose of the act under the proposed amendments is "to enhance the quality and value of our water resources and to establish a national policy on the prevention, control, and abatement of water pollution."

Section 1 also changes the policy of the Congress to invest authority in a Water Pollution Control Administrator, and refers to an Assistant Secretary who is, in turn, provided for in section 2 of the act. The Assistant Secretary, under the bill, is authorized to administer the act and to have "such additional functions as the Secretary may prescribe." This is a rather sweeping authorization and should be cause for concern, even though it might seem desirable for the administration of the Federal Water Pollution Control Act to be vested in someone in the Department of Health, Education, and Welfare other than the Secretary—or in some other department or agency.

The brief language in section 1 appears to require the establishment of a national policy by the new Administrator, without setting forth any standards or guidelines with respect to what this national policy might be, and—apparently—without any need for the Administrator to return to the Congress with a statement as to such national policy. It is not appropriate to ask what such a national policy might consist of? Does it mean, for instance, that the quality of all surface water shall meet drinking water standards?

I noted in a bill introduced in the last Congress by you, Mr. Chairman, that you stated succinctly that the purpose of the act should be to "establish a positive national water pollution control policy of keeping waters as clean as possible as opposed to the negative policy of attempting to use the full capacity of such

waters for waste assimilation." Whether that or something else should be the policy, it would seem well for the committee to decide what the national policy of the Congress is and then to set it forth in clear and unmistakable language.

Also, it is not appropriate to ask whether the existing declared policy of the Congress as set forth in the renumbered and revised subparagraph (b) of section 1 is being overruled? The Congress decided basically in 1955 and again in 1961 that it was the policy of the Congress to "recognize, preserve and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical research relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution."

It should be clear to the members of this committee that the policy of the Congress is definitely and irreversibly changed by the new additional language. Furthermore, it should be clearly understood that there is an obvious intention to modify the stated policy of the Congress not only by the language added by H.R. 3988 and S. 4, but by other statements and utterances emanating from the Department of Health, Education, and Welfare and from other sources around the country.

Gentlemen, you should recognize that under this revised statement of policy a new Administrator would certainly regard this authority as being vastly greater than the more limited Federal role as set forth in the existing declaration of policy.

Section 2 of both H.R. 3988 and S. 4 establishes the new Administration in the Department of Health, Education, and Welfare, under an Assistant Secretary. This section would augment the prerogatives and increase the personnel, etc., in order to carry out the enlarged functions which this bill would authorize.

I referred earlier to the comprehensive aspects of water pollution. But the authority under existing law (former sec. 2, renumbered sec. 3 in the two main bills) has been exercised in a very limited way to date in developing comprehensive programs. Development of such programs should require close cooperation with the various State and local water pollution control agencies, and should recognize that many local programs are involved in the vast subject of water pollution.

For example, there appears to be a comprehensive program at work in portions of Texas. On December 6, 1963, the Jones committee was informed at the hearings held at Austin, Tex., that most of the brine water pollution from oil well operations has been eliminated in the Red River area between Texas and Oklahoma. Here is, certainly, a vast area—largely untouched by the Federal Government—in the various river basins on which the State and local agencies are working and will continue to work, particularly as interstate compacts are encouraged and other regional plans are developed.

With respect to interstate waters, the Congress has certainly recognized the need to encourage interstate compacts. But what, if any, action has been taken under the existing law to develop such agreements?

It has been apparent to me that where local or State agencies consider themselves incapable of handling a pollution problem because of its interstate character, agreements among the States could produce results. The Ohio River Valley Water Sanitation Commission, created back in 1948, is an example of how States, working together, can improve the quality of the waters within a river basin. Other interstate compacts have great potential. But what, may I ask, has the Federal Government done under the authority which Congress granted "to encourage compacts between the States to prevent and control water pollution?"

As you know, gentlemen, all of the reports of the Jones committee have not yet been filed. However, I would like to summarize some things that seemed quite apparent to me as a result of the hearings we had and which may indicate possible amendments or other legislative proposals for consideration by the committee. These are positive approaches to the overall subject of water pollution and its abatement which indicate the apparent areas for Federal legislation and action.

In suggesting positive recommendations for amendments in the area of water pollution control and abatement, it should be noted that water pollution means many different things in various sections of the country. The Jones committee has observed that major sources of pollution consist of such things as the following: (1) water runoff from agricultural areas served by irrigation water; (2)

salt water from natural springs; (3) salt and brine waters from oil and gas well exploitation; (4) acid mine drainage, including such drainage from long-abandoned mines; (5) insecticides, herbicides, and pesticides entering rivers and streams in increasing quantities each year; (6) siltation of water by reason of poor land conservation practices and dredging; (7) radioactive material; (8) temperature alteration of water; and (9) industrial and municipal waste problems.

RECOMMENDATIONS

1. Coordination and national policy

As one can see, the subject of water pollution affects the activities of many departments and agencies of the Federal Government. The Departments of Interior, Agriculture, Commerce, and Health, Education, and Welfare, as well as independent agencies such as the Atomic Energy Commission and the Tennessee Valley Authority, are all affected. In the development of a national policy, it would seem well to have representatives of all these departments developing an established national policy. In short, the Congress has already declared a national policy. If that policy is to be changed, the Congress should change it.

2. Retain administration by Public Health Service

In every hearing conducted by the Jones committee, the testimony supported retention of water pollution control in the Public Health Service. From my perusal of the record of the hearings held by the other body on S. 4, this is the position which the Governors of the States support, and that the various State and interstate water pollution control agencies recommend.

The Public Health Service, particularly the various regional directors in charge of water pollution control, has secured a maximum of local, State, and interstate cooperation in programing pollution control measures. I would certainly oppose any tampering with a successful record such as that in dealing with this great national problem.

3. Standards of water quality

The objective of establishing standards of quality is certainly appropriate. Indeed, some States have already authorized this approach. However, in line with the declared policy of the Congress, it would seem well to recognize State standards of water quality in the first instance unless some question of public health is involved or some interstate conflict should arise in the establishment of these standards. The establishment of standards of quality might involve a number of different standards in a single river or stream within a single State. This subject offers an excellent incentive for the Federal agency to do what Congress has told it to do: encourage interstate compacts.

In further reference to the subject of water quality standards, it has come to the attention of the Jones committee that underground water resources which form the principal source of our domestic water supply are threatened with serious pollution. Such pollution results from (1) forced reinjection of salt and brine waters into underground space, (2) the rapid increase of septic systems—frequently without minimum standards or adequate regulation, (3) the penetration of underground water sources from ponding or polluted waters, and (4) the penetration of underground water sources by detergents and radioactive materials.

In the establishment of minimum water quality standards, it would certainly seem well to include underground water sources and not simply surface waters.

With respect to establishment of water quality standards on interstate waters, the concurrence of the water pollution control boards of a majority of the States involved in establishing standards should be required, or, where an even number of States is involved, the deciding action might then be by the Secretary of Health, Education, and Welfare.

4. Research programs

In the areas of research, it would likewise seem well for research projects to be coordinated through the various Federal departments which are investigating problems of water pollution. For instance, the various pesticides and herbicides which are approved, event recommended, by the Department of Agriculture should be reviewed for their adverse effect on the waters carrying the agricultural runoff.

Another example, of course, would be the adverse effect on surface waters from chlorides and salts entering the water from irrigation developments authorized by the Bureau of Reclamation in the Department of the Interior.

5. *Research grants*

In the area of research and research grants, it would seem most important to require coordination between the Department of Health, Education and Welfare and the other interested departments of government so that the maximum use can be made of the limited number of technical and skilled researchers in the fields of hydrology and other disciplines conversant with water pollution problems.

6. *Enforcement*

Enforcement provisions of the 1961 Water Pollution Control Act should be modified so that the initial conference would be established for the purpose of investigating and determining the extent and nature of the alleged pollution instead of assuming in advance that such conditions exist.

The existing conference enforcement provisions, in the manner in which they have been exercised, have been a major source of irritation between State and Federal agencies which, instead, should be working together in the closest cooperation.

7. *Compliance by Federal Government*

In the construction of Federal installations, compliance with the standards established by State and local water pollution control boards or health departments should be required. Also, the Secretary of Health, Education, and Welfare should report regularly to the Congress on the status of Federal agency compliance.

8. *Data gathering*

Any measure passed by this Congress affecting pollution should vest in the U.S. Geological Survey primary responsibility for all data gathering and monitoring activities with regard to water quality. The U.S. Geological Survey is the historic and recognized Federal agency in this field of activity. Its reputation as a source of unbiased scientific information is recognized by all charged with water pollution control throughout the Nation. It would be a mistake for the Congress to fail to spell out in legislative language this role of the U.S. Geological Survey. However, I am of the opinion that unless this is spelled out, there will be a growing proliferation and duplication of data gathering and water quality monitoring which will be both extravagant and inefficient.

9. *Septic tanks*

In view of the potential health hazard in areas utilizing septic tanks, to which witnesses before the Jones committee made frequent reference, it appears some Federal action or guidance is urgently needed.

At present the only Federal connection with this subject is that the Federal Housing Administration and other Federal agencies may refuse to approve loans for housing which fails to comply with the local or state prohibition against septic tanks in urban areas.

The executive director of the Advisory Committee on Intergovernmental Relations in his testimony before the Jones committee recommended as follows: " * * the two Federal mortgage insurance programs (FHA and VA) should be amended to make housing projects utilizing wells and septic tanks ineligible where public or community sewage systems, although economically feasible, have not been authorized by local authorities." This would appear to be an appropriate recommendation of this committee in attempting to avert a most serious and expensive public problem of sewage disposal which could conceivably develop into a major health problem.

CONCLUSION

If I were satisfied that the provisions of the two main bills before you were in the direction toward which the recommendations of the Jones committee would go, I would agree that one of these bills should be recommended and passed. However, as I have indicated here today, I am of the opinion that some or most of the provisions may be heading our Federal Government in the wrong direction—a direction from which it may be difficult to change and which, in addition to being unwise, might interfere greatly in our future efforts at tackling this problem.

As we know, the Muskie bill, S. 4, is quite a different proposal from that originally introduced in March 1963. I earnestly urge the committee to review each and all of its provisions carefully, in the light of my statement here today.

It should certainly be our common task to get the best legislation possible * * * best from the standpoint of the Nation as a whole * * * best from the standpoint of the American taxpayers * * * and best from the standpoint of future generations of Americans who will enjoy the water resources which lie across and under this broad land of ours.

Mr. BLATNIK. The next witness is Mr. Thomas F. Moore, Jr., general counsel of the New York Power Authority.

Mr. Moore, we appreciate your standing by much longer than the Chair believed would be necessary.

**STATEMENT OF THOMAS F. MOORE, JR., GENERAL COUNSEL,
POWER AUTHORITY OF THE STATE OF NEW YORK**

Mr. MOORE. I appreciate the opportunity to be here. I found it very interesting.

Mr. BLATNIK. We welcome you. On past occasions your testimony has always been most informative and helpful.

Mr. MOORE. Mr. Chairman, I have a prepared statement which I would like permission to file, and I think I can summarize it in a very few minutes, if you would like me to do that, rather than read it.

Mr. BLATNIK. The statement will appear in its entirety in the record.

You may summarize those particular points which are of concern to you or which may not have been covered too thoroughly or at all in your statement.

We are well aware of the overall problem and appreciate avoiding repetition.

Mr. MOORE. Thank you. I do want to say, as stated in the statement, we in the New York Power Authority are wholeheartedly in favor of the efforts of the President and our own Governor, Governor Rockefeller, to eliminate water pollution. We are also in favor of the enactment of legislation to provide assistance to States and localities which are seeking to combat water pollution and to provide effective controls in areas where they do not now exist.

My concern is with something which Governor Rockefeller did not speak about this morning, and was not asked about this morning, and that is the procedure by which the standards are established. These standards are in section 5 of the bill. I would like to point out that I do not think there is any doubt that all that new bureaucracies being established here—the Federal Water Pollution Control Administration—claim jurisdiction over every stream in the United States where the water ultimately gets into what you might call colloquially an interstate or coast water.

I do want to point out in view of something Mr. Harsha said this morning that I am sure that administration will argue at least that section 5 of this bill applies to navigable waters and not merely to interstate and coastal waters, as the State interstate water is defined in the existing law. The reason for that is that the enforcement procedures are found in section 10, the new section 10 of the bill; 10(a) of the bill says:

* * * the pollution of interstate or navigable waters in or adjacent to any State is subject to abatement.

Then section (b), which is the new part, goes on to talk about—it is mostly new anyway, standards and enforcement, but it uses the term “interstate waters” rather than “interstate and navigable waters,” but when you get to the last subdivision of subsection (b) you will find—that is No. 6—

Nothing in this subsection shall (a) prevent the application of this section to any case to which subsection (a) of this section would otherwise be applicable, or (b) extend Federal jurisdiction over water not otherwise authorized by this Act.

There is no doubt in my mind at all the argument will be made that (a) with the word “navigable” in it is incorporated in (b), and that they are all the same ball of wax.

Be that as it may, as a practical matter—and of course there is no such thing now as a nonnavigable stream in the United States under court decision. Everything is navigable, no matter how far back in the hills you go—

Mr. CRAMER. Mr. Chairman—you lost me there.

Mr. MOORE. I am sorry.

Mr. CRAMER. I did get your conclusion. Would you briefly go back over how you reached it?

Mr. MOORE. You mean there is no such thing as a nonnavigable stream?

Mr. CRAMER. Their jurisdiction under this setting of standards would include all navigable streams.

Mr. MOORE. I said the argument will be made I think—the way I reached it—is the way I read the new section 10(a).

Mr. CRAMER. Right.

Mr. MOORE. First I read that, and that says:

* * * the pollution of interstate or navigable waters in or adjacent to any State or states, whether the matter causing or contributing—

This not in the bill; this is the old law; this is the existing law.

Mr. SULLIVAN. What page is that?

Mr. MOORE. You have to get the Senate report. It is in the present law.

Mr. CRAMER. What section in the present law?

Mr. MOORE. Section 8 of the present law.

Mr. CRAMER. All right.

Mr. HARSHA. What page of the Senate report?

Mr. MOORE. I am reading from page 29 of the Senate report on S. 4, the very bottom of the page. At page 29 of the Senate report:

* * * * the pollution of interstate or navigable waters in or adjacent to any State or States whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters which endangers the health or welfare of any persons shall be subject to abatement, as provided in this act.

Then (b) goes on to set up standards, and the last section of (b) says—that is subsection 6 of (b):

Nothing in this subsection shall (a) prevent the application of this section to any case to which subsection (a) of this section would otherwise be applicable—but would be if you don't take a narrow definition of the word “interstate”—

or (b) extend Federal jurisdiction over water not otherwise authorized by this act.

I do not know whether that was worth pointing out or not, but I don't think there is any doubt about it that the new administration is not going to construe the law in derogation of its own powers. I have been a bureaucrat in my time in the State and no bureaucrat ever does that; he is always looking for more power, and I think they will have a good argument here very likely.

Mr. CRAMER. The President made such recommendation in his message to Congress on the water pollution question, that this standard-setting power should be included for navigable as well as interstate streams. That is clearly what the policy of the administration will be. Secretary Udall testified to that effect as well.

Mr. MOORE. It was in view of Mr. Harsha's statement this morning that I pointed this out, for whatever it is worth.

Mr. CRAMER. I think it is very helpful.

Mr. MOORE. My immediate problem is the Chicago diversion situation. The power authority for which I work is to a large extent a creature of this committee. Under the leadership of Chairman Blatnik, the Congress in 1957 passed a Niagara Redevelopment Act which authorized the State and Power Authority of the State of New York—up in the territory of Mr. McCarthy; they had already been in Congressman McEwen's territory—to build the Niagara power project.

The statute as put out by this committee specifically directed the power authority to build a plant big enough to use all the water of the Niagara River available to the United States by international agreement. We built such a plant, pursuant to that statute, which in turn was pursuant to the 1950 treaty between the United States and Canada.

Now we also have the St. Lawrence power project in the St. Lawrence River, which was authorized pursuant to the agreement between the two countries by exchanges of notes, and also pursuant to the 1909 treaty between the United States and Great Britain which set up the International Joint Commission, about which Congressman McEwen spoke this morning. So we have those two projects.

We have no tax power, we have no State credit, we have no Federal credit. We borrowed \$1.1 billion from prudent private investors with which to build the two projects. We still owe most of that money. The only source of income from which we can pay the money back is the money we get from the production of electricity from the falling water and selling the power. That amounts to a lot. We have to take in, with operation and maintenance, something like \$85 million or \$87 million a year.

Every cubic foot of water which is taken out of Lake Michigan at Chicago and dumped down into the Mississippi is a cubic foot of water which does not go through our powerplant in Niagara Falls or the powerplant at St. Lawrence. It is true we were in partnership with the Canadians at St. Lawrence, and the Canadians have a plant of their own at Niagara, but the Canadian officials have made it clear if there is any further diversion of water out of the Great Lakes, they are going to claim the power authority is going to have to stand the whole brunt of it, and Canada is not going to share in the loss.

In the 1920's Chicago was taking about 10,000 cubic feet of water out of Lake Michigan for sanitary purposes, and the other States bordering the Great Lakes, except for Indiana, sued, and finally in

1930 the Supreme Court of the United States held, on recommendation of Charles Evans, who was the special master—this is an original action in the U.S. Supreme Court, one State suing another—that Chicago's diversion of the water was illegal, but for practical purposes they could not block it off completely, so the Supreme Court held Chicago might continue to divert 1,500 cubic feet per second, plus what it needed for domestic purposes.

Now Chicago diverts about 3,300 cubic feet. It wants to divert more. The other Great Lakes want it to divert less, so we are back in court again, and we have been since 1958.

The old 1930 decree was reopened, the U.S. Supreme Court appointed a special master, he held hearings for 4 years; he is now working on his findings of fact and conclusions of law.

Just to give you an idea of what it means to the power authority, every thousand cubic feet of water means almost a million dollars—\$900,000-odd at Niagara and a quarter of a million at St. Lawrence. So it is a terrific amount of money as far as the power authority and its stockholders and customers are concerned.

In the litigation the other Great Lakes States, other than Illinois, claim Chicago should take out less water than it is taking out now; it should build new equipment, and it should return the effluent from part of the water it takes for domestic purposes back into Lake Michigan, and that it could do so without harm. Chicago of course claims it should be allowed to take more water.

As a matter of fact, there is a second lawsuit now pending in addition to the reopening of the old one.

Here is where the standard provisions in the procedure and by which standards are set comes into play. The opposing States pretty well agree on what the standards should be, what standards should be for that water. The United States intervened in the case and the U.S. Health Department has produced testimony in the case. The U.S. Health Department's testimony is based on Health Department recommendations that the dissolved oxygen content of the Chicago Canal should be presently at least three parts per million and ultimately five parts per million. Now, five parts per million is a trout stream. That is what is required for a trout stream. This is what the New York State Health Department and Conservation Department specifies. That is what the Health Department says the quality should be of the water in the Chicago drainage canal.

Even if it is as high as 3 million, none of the effluent could be put back in. If it went up to 5 million, what would happen would be for Chicago to build enough facilities to establish that situation—heaven only knows how much it would cost; it would be an astronomical program—but the easy way is of course, "Oh, let's take some more water out of Lake Michigan, and so that is where we come in."

In order to set that standard up where the Health Department in this litigation says it ought to be undoubtedly, application would be made to take a lot more water out of Lake Michigan. It would not go over the falls; it would not go over in the St. Lawrence; any water taken out of Lake Michigan is lost.

Here is the situation where we litigate a tremendous expanse for years, and at issue in the litigation is this very question: What is the standard for this body of water? The Health Department is a pro-

tagonist in the litigation. It is a party in the litigation. The judge who makes the decision in this case is going to recommend to the Supreme Court.

If the bill were passed, section 5 of S. 4, in the form in which it now is, the Health Department, the new Administrator, the new czar, who is a part of the Health Department, would just set the standard, and he would have to consult—it is true he would have to call up the Secretary of the Interior and say “What do you think?” He would have to talk to some of the States, say, “What do you think?” He would have to have some kind of pro forma public hearing, but that is all he would have to do. He would not have to take anybody’s advice.

I repeat this is not one of the things Governor Rockefeller addressed himself to this morning. He could do it unilaterally on his own, and once that standard were established there is no appeal from that.

I have listened to the Congressman from Louisiana talk about appeals, court review. Court reviews of Federal findings of fact, as we all know, are pretty ineffective anyway. The argument is always made by the Government, “Oh, the Court can’t look at this as long as there is some evidence.” That is it. I go through that all the time with the Power Commission. I just finished one, “Oh, no, you can’t look at that. This has been decided.”

As long as there is some evidence, we are finished, but here there is no court review at all as far as the standards are concerned.

Mr. CRAMER. Mr. Chairman, on that particular point I think we are bringing out a very salient and important point. Even if you try to provide for administrative procedure of the type you need, still the burden of proof rests on the nongovernmental Federal agency or individual or business, and the only chance he has is if he can prove the discussion exercised was not reasonable, and it does not permit a trial de novo of the actual facts of the case.

Is that not correct?

Mr. MOORE. That is correct. That is as arbitrary and capricious as sometimes when a Government agency gets so far off the beam that it shocks the conscience of the Court, the Court goes around looking for some procedural basis on which to overrule it, but as far as facts are concerned, you are licked; you don’t have a chance when you walk in. That is true not only in the Federal Government but in the State procedures usually, but there is nothing here.

Incidentally, they have an advisory board on the standards, but that does not have any power.

Of course, I do not frankly understand the bill on enforcement. It is a hodgepodge of the old and the new, and gentlemen, very respectfully I say it should be clarified. Whatever is meant should be written down very clearly. I spent 2 hours arguing with a couple of very learned people about this, and the two learned people did not agree between themselves, but the point is, this is a situation where we are really going to be at the mercy of a litigant. What happens when this litigation goes on and we have spent all the money?

The other States, remember—Minnesota, Michigan, Wisconsin, Ohio, Pennsylvania, who are involved in this litigation—Illinois also has interests other than the interest I represent, particularly the power

authority. They are interested in navigation; they are interested in recreation, and here we are now, we have the lowest water in the Great Lakes in the 104 years in which records have been kept. We are just about at the lowest, and it is really a pretty sorry situation right now. Congressman McEwen will tell you about this up in his country. But in any event on the standards it seems to me one man gets too much power, and I think that you ought to take a good hard look at it. As far as enforcement is concerned, I frankly say I do not understand that.

There is another thing to which I would like to call attention, and that is—

Mr. CRAMER. Mr. Moore, before you leave that point, I understand you brought out a question which has not been previously testified to before this committee. I do not recall it being testified at last year's hearings. That is, what effect will the setting of these standards have on pending litigation?

As I understand it, as the present time, this case started way back in 1930; it is now as a result of these hearings, according to your testimony on page 8, which extended from October 1959 to July 1953, that the judge is now considering his facts and conclusions of law to be rendered. Therefore, it is still in litigation?

Mr. MOORE. That is right.

Mr. CRAMER. There is no provision in the proposed setting of standards for that type of situation, is there, where it is presently in litigation?

Mr. MOORE. No, I am sure the argument will be made by the Government, at least—I do not know about Illinois—that the Congress has now taken over the decision on standards, has delegated it to the Administrator, in the Department of Health, Education, and Welfare, who will establish standards; and presumably it is going to establish the standards; which it testified are the appropriate ones. Certainly they are not going to set any other standards after there having been reams and reams and reams of testimony on the subject. Then I think the judge is going to be bound by it.

Mr. CRAMER. The effect of that would lead to indefinitely delaying a final determination further, delaying further final determination in this matter, finally coming to a head between the litigated parties?

Mr. MOORE. I do not know whether it would or not. See, the judge has to make a report to the Supreme Court and the Supreme Court is going to say Chicago can take more water out or less, or status quo. The next step, you are going to have these new standards, certainly they are not going to say, "Take out less water." So they kill us right off there, as far as a good part of our case is concerned. And this is by one man making a decision.

Mr. CRAMER. Let's assume that the Court had made its final determination. There is no provision in this proposed bill taking cognizance of court-determined decisions relating to standards is there?

Mr. MOORE. No, sir. That is one of the things I respectfully wanted to bring to your attention.

Mr. MCCARTHY. Will the gentleman yield?

Mr. CRAMER. Yes.

Mr. MCCARTHY. Mr. Moore, you alluded to the lowest water in many years. Now, do I understand correctly you are ascribing this solely to the diversion in Chicago?

Mr. MOORE. No; I am not doing that. But I am trying to point out the fact we are hurting. The water is low. It makes all the more important that more water not be taken out at Chicago.

Mr. MCCARTHY. It is not true that the causes for the low water have not yet been determined and the International Joint Commission now is conducting a study? Dry seasons have also been ascribed for the low level of water and nobody really knows precisely the cause of the low water?

Mr. MOORE. Oh, sure, we know what is wrong with the low water. It did not rain, did not snow. It is as simple as that.

Mr. MCCARTHY. Why are they conducting this study?

Mr. MOORE. Somebody always studies. People are always studying. Study, study, study.

I do not know, it is a good idea. We are helping. We are doing all we can to help them.

Mr. BLATNIK. Mr. Moore, I do not mean to interrupt, but time is running out.

We are familiar with the controversy respecting water diversion in Chicago. We have had three hearings before this committee. We understand your concern here about the standards being set fairly high. You fear it is necessary to divert more water, which would entail an economic loss to your powerplants.

Anything further?

Mr. MOORE. Yes, I do want to say, as far as enforcement is concerned, the remedy in court is a very inadequate one there, too, because suppose somebody suggested that another 5,000 cubic feet be taken out, for instance; what can the court decide?

All the practicality of it, the court may very well—it is bound by the only evidence it will have before it, what is presented by that hearing board. And they say it is practical. There you are. You may be back into another finding of fact.

I do want to point out one thing, sir—I am sorry if I took too much time—this bill involves coastal waters, international waters. Congressman McEwen pointed out this morning the 1909 treaty with Great Britain has specific agreements in it giving jurisdiction over pollution in Great Britain and St. Lawrence and Niagara Rivers. And the 1889 treaty with Mexico, as amended in 1944, gives similar authority over pollution to an agency established under that treaty.

Now, there is nothing in the proposed legislation which would tell the man who set the standards to consult the Secretary of State or any internationally concerned organization, even, in the Federal Government.

Mr. BLATNIK. Any questions?

Thank you very much, Mr. Moore.

(The statement of Thomas F. Moore, Jr. follows.)

STATEMENT OF THOMAS F. MOORE, JR., GENERAL COUNSEL OF POWER
AUTHORITY OF THE STATE OF NEW YORK

We are wholeheartedly in favor of the efforts of the President and our own Governor to eliminate water pollution. We are also in favor of the enactment of legislation to provide assistance to States and localities which are seeking to combat water pollution and to provide effective controls in areas where they do not now exist.

However, bills pending before your committee which are intended to accomplish these praiseworthy objectives by amending the Federal Water Pollution

Control Act contain provisions which if enacted in their present form would have an unintended but substantially adverse effect on the operations of Power Authority of the State of New York and thus on its bondholders and customers. These bills include S. 4, already passed by the Senate, and several bills introduced in the House, including H.R. 3988 introduced by Chairman Blatnik, and several bills which are identical to S. 4.

Section 2 of S. 4 as passed by the Senate would establish a brand new bureaucracy in the Department of Health, Education, and Welfare known as the Federal Water Pollution Control Administration.

Section 5 of S. 4 would vest in the head of the Water Pollution Control Administration, acting for the Secretary, the attributes of a virtual czar in connection with almost every stream and waterway in the United States. He would not only have jurisdiction over international and interstate waters but also over all streams large and small running into or out of them. His powers would be unprecedented in the history of the Federal system.

Section 5 of the bill would authorize the Secretary, acting through the Administrator, to prescribe standards of water quality even where standards have already been established by appropriate State or interstate agencies. While the bill requires consultation with various Federal, State, interstate, and municipal agencies before standards are set for interstate waters, there is no requirement that consultations be had with the Department of State or international agencies before setting standards for international waters. The standards which the Administrator would be authorized to establish unilaterally after performing whatever consulting is required by the statute would under the bill be enforceable in the courts of the United States.

New York and particularly the power authority, as well as other States bordering the Great Lakes, would be subjected to great economic hardship if the Administrator should unilaterally establish unreasonably high water quality standards for the Chicago Sanitary and Ship Canal and the upper Illinois River system. The fact that he would be likely to do so has been demonstrated conclusively in testimony produced by the Public Health Service—which is under the supervision of the Secretary of Health, Education, and Welfare—in litigation pending in the Supreme Court of the United States with respect to the diversion of water from Lake Michigan to the Mississippi watershed by Chicago and other Illinois municipalities.

The standards of water quality which should properly be imposed with respect to the Illinois waterway are at issue in the litigation which has been carried on between Illinois on the one hand and other Great Lakes States, including New York on the other hand, over several years before a Special Master appointed by the Supreme Court. If section 5 of S. 4 were adopted in its present form the new Water Pollution Control Administrator would claim power to nullify by fiat all or a good part of the litigation.

NATURE AND OPERATION OF THE POWER AUTHORITY

The power authority is a public benefit corporation licensed by the Federal Power Commission to construct power projects in the International Rapids section of the St. Lawrence River and in the Niagara River, which is also an international stream. It financed the cost of both projects, together with transmission lines connecting them and extending to Vermont, by the sale of \$1.1 billion of revenue bonds to prudent private investors without either State or Federal credit. The authority has no taxing power. Its only sources for meeting its obligations are revenues from the sale of power.

It built the St. Lawrence power project in partnership with the Hydro-Electric Power Commission of Ontario. Actually that power project is part of the overall power-navigation project colloquially known as the St. Lawrence Seaway. The two power entities constructed and paid for the major part of the overall project works which constitute the joint power-navigation project. A relatively small part was constructed and paid for by the U.S. St. Lawrence Seaway Development Corporation and by the Canadian St. Lawrence Seaway Authority. Thus power users, through the amortization of bonds and through meeting operation and maintenance expenses, are required to pay for a good part of the cost of the construction and operation of the seaway.

The overall St. Lawrence project was authorized pursuant to the 1909 Boundary Waters Treaty between the United States and Great Britain by the International Joint Commission established by that treaty. The International Com-

mission's action was taken upon recommendations of the Governments of the United States and Canada after exchanges of notes between the two countries. Plans of regulation for Lake Ontario were developed by the Commission, at the behest of the two Governments. These plans are based on the existence of the present diversion at Chicago and upon the fact that the U.S. Supreme Court had decreed that the amount of water diverted will not be substantially increased. The project was financed on that same basis.

The Niagara project was authorized by a specific act of Congress (the Niagara Redevelopment Act, Public Law 85-159, 16 U.S.C. sec. 836) and pursuant to the 1950 Treaty between the United States and Canada Concerning Uses of the Waters of the Niagara River (1 U.S.T. 694). The authority as part of the cost of the project was required to pay for the U.S. share of the remedial works at Niagara Falls constructed by the two Governments pursuant to the treaty to preserve and enhance the beauty of the falls. In addition the authority constructed and paid for parkways and other facilities which dramatically improved the beauty of the falls and surrounding area. These facilities cost many millions of dollars. The Hydro-Electric Power Commission of Ontario built a power project and power revenues financed related park facilities on the Canadian shore.

The Niagara Redevelopment Act required the authority to build a project sufficient to use all the water available to the United States by international agreement. It built such a project and financed it on the basis that the amount of water taken out of Lake Michigan at Chicago would not be substantially increased.

The authority's power is required to be sold in New York and neighboring States without profit. Municipalities and rural electric cooperatives are provided with all the power they can reasonably use. Utility companies which purchase part of the power and sell it to their rural and domestic customers are required to pass on savings resulting from their purchase of authority power to those customers. Industries at St. Lawrence and Niagara to which power is sold are industries which were either brought there by the availability of low-cost authority power or already were there and would have left if this power had not been made available to them. These are industries to which the cost of power is a very large element in the total cost of doing business.

The authority's projects have a total capacity of more than 3 million kilowatts and in normal water years produce about 19 billion kilowatt-hours of energy. The plants are interconnected and tie in with other power systems in the Northeast United States and Southeast Canada and are a very important part of the total power production potential of the area.

Water supply of the Great Lakes and the Niagara and St. Lawrence Rivers has been below normal for several years and in the past year was just about as low as it has ever been in the 104 years in which records have been kept. Therefore, power production has suffered badly as have navigation and recreational activities in the Great Lakes and Niagara and St. Lawrence Rivers. Any further diversion at Chicago would worsen the situation intolerably.

EFFECT OF CHICAGO DIVERSION

Every cubic foot of water diverted by the State of Illinois is a cubic foot of water which, if not diverted, would flow through the hydroelectric powerplants of the power authority and of the Hydro-Electric Power Commissions of Ontario and Quebec on the Niagara and St. Lawrence Rivers.

At present, Chicago is diverting approximately 3,300 cubic feet per second. If this water were not diverted to the Mississippi River Basin it would provide more than 100,000-kilowatt capacity and produce over 1 billion kilowatt-hours per year of electric energy at the authority's projects and the hydroelectric plants in Ontario. At power authority rates this power and energy would be worth over \$4 million per year. At utility company rates it would be worth \$7 million per year.

The Hydro-Electric Power Commission of Quebec operates huge powerplants in the reach of the river downstream from the International Rapids section. This reach of the river is wholly in Quebec. The same water, if not diverted, would also provide additional capacity and produce additional energy at those plants.

Canadian officials have indicated that they will insist that the power authority alone must bear the loss of power and energy at Niagara and in the

International Rapids section of the St. Lawrence River resulting from further diversions from the Great Lakes into the United States. Pursuant to the 1950 treaty, at Niagara, Canada already has a right to the exclusive use of 5,000 cubic feet per second, which have been diverted into the Great Lakes system from a Canadian source north of Lake Superior.

Of the 3,300 cubic feet per second (more than 2.1 billion gallons per day) diverted at Chicago, 1,500 cubic feet per second is diverted directly from Lake Michigan for the purpose of oxidizing and diluting the raw sewage and sewage effluent from Chicago and for flushing that sewage westward through the Chicago Sanitary and Ship Canal and into the Des Plaines River which flows ultimately into the Mississippi. Another 1,800 cubic feet per second is withdrawn from Lake Michigan by Chicago, used for domestic and municipal purposes and then discharged into the canal.

THE CHICAGO DIVERSION LITIGATION

In the 1920's Chicago took as much as 10,000 cubic feet per second from Lake Michigan and dumped it into the Mississippi watershed.

After years of litigation the Supreme Court in 1930 in an action brought by six Great Lakes States, including New York, declared that diversion illegal and issued an injunction against Illinois which on the grounds of practicality was limited to a prohibition against the diversion of more than 1,500 cubic feet per second in addition to domestic pumpage. (*Wisconsin v. Illinois*, 281 U.S. 179.)

The 1930 decree permitted the complainant States of New York, Wisconsin, Minnesota, Michigan, Ohio, and Pennsylvania as well as the defendant State of Illinois to apply for modification of the decree should circumstances warrant in the future. In the litigation which resulted in the 1930 decree the Supreme Court did not consider damage to New York resulting from the diminution of the hydroelectric potential of the Niagara and St. Lawrence Rivers because at that time powerplants capable of using all the water had not been built. (*New York v. Illinois*, 274 U.S. 488 (1927)). The Court stated, however, that New York could in the future litigate the question of power damages when such plants were built on the Niagara or St. Lawrence Rivers.

The construction of these plants and other changes in circumstances since the 1930 decree, such as Chicago's gradual increase in the water it diverts; improvement and development in the art of sanitary engineering; and the recent critical demand for water in the Great Lakes Basin were the basis for a Supreme Court order in 1958 reopening the 1930 decree and ordering that new hearings be held with respect to the complainant States' request that the diversion again be reduced. In a consolidated case involving the same parties, Illinois seeks a declaratory judgment against the complainant States which would authorize a new diversion from Lake Michigan to serve a group of suburbs north of Chicago. Pursuant to the Court's 1958 order, hearings were held before the Honorable Albert B. Maris, appointed by the Court as special master. The hearings extended from October 1959 to July 1963 and resulted in a record consisting of 29,231 pages and almost 2,000 exhibits. Judge Maris, at the present time, is preparing detailed findings of fact and conclusions of law, which already amount to hundreds of pages, for presentation to the Supreme Court.

At the hearings, the complainant States presented evidence showing the tremendous extent to which their hydroelectric power, navigation and recreation interests are adversely affected by the reduction of Great Lakes levels and outflows caused by the Chicago diversion. They also presented extensive evidence, at great cost, based on the testimony of many experts which proved that the present diversion can be substantially reduced if the sewage treatment system of the Chicago Sanitary District is modernized and improved. This testimony was predicated on water quality standards for the Chicago Sanitary and Ship Canal which are deemed by both Illinois and the complainant States to be reasonable for a sanitary canal.

In addition to the testimony presented by the complainant States and Illinois at the hearings, testimony was presented by the U.S. Public Health Service on behalf of the United States, which was allowed to intervene. The Public Health Service testimony was predicated on standards of water quality for the upper Illinois River system and the Chicago Sanitary and Ship Canal which are clearly unreasonably high. The Public Health Service suggested standards of water quality for these streams which included a dissolved oxygen standard of not less

than 3 parts per million as an interim goal, and 5 parts per million as an ultimate goal.

Achievement of these unreasonably high Public Health Service standards could substantially preclude a reduction in the diversion which has already caused serious injury to the complainant States. Maintenance of a dissolved oxygen standard of 5 parts per million would undoubtedly be construed to require a substantial increase in the present diversion, the amount depending on the degree of modernization and improvement made in the sewage treatment system by Illinois. Maintenance of a dissolved oxygen standard of 3 parts per million might be achieved without increasing the present amount of diversion if recommended improvements were made in the system but no reduction of the diversion could be made.

On the other hand, a minimum dissolved oxygen standard of only 1.5 parts per million (which is believed by both Illinois and the complainant States to be sufficient) could be maintained in the sanitary and ship canal with a reduction in the diversion of about 1,000 cubic feet per second if the sewage treatment system of the sanitary district were improved and modernized.

One thousand cubic feet per second of water at the Niagara power project is worth \$941,000 per year at power authority rates. One thousand cubic feet per second of water at St. Lawrence is worth \$223,000 per year at power authority rates. Replacement of the power and energy lost by diversion of 1,000 cubic feet per second would cost \$1,482,000 per year at Niagara and \$380,000 per year at St. Lawrence at utility company rates.

The total drop in the St. Lawrence River in the area wholly in Quebec downstream from the international rapids section is about the same as the drop at the St. Lawrence power project. Therefore 1,000 cubic feet per second in Quebec has about the same value as at the authority's St. Lawrence project.

In effect, the unreasonably high water quality standards which the Public Health Service recommends would impose unnecessary and needless hardship on the State of Illinois, on the complainant States, and especially on the power authority of the State of New York. To achieve such standards, Illinois would be compelled to provide sewage treatment works and facilities to maintain the sanitary and ship canal at a quality more akin to that of a trout stream than of a sanitary canal. At the same time, the power authority would be deprived of the vast quantities of Great Lakes flow required to maintain the unnecessarily high water quality standards in the sanitary and ship canal. The standards sought to be achieved by the Public Health Service are simply not fitted to the nature of the sanitary canal which is used primarily for the dilution and transportation of sewage. No useful purpose would be served by changing a sewage canal into a fishing stream.

Obviously, the Public Health Service's views as to the water quality of the Chicago Sanitary Canal would become those of the proposed Federal Water Pollution Control Administration should section 5 of S.4 become law. It is beyond question that unreasonably high water quality standards for the Chicago Sanitary Canal would be attempted to be imposed by the Administrator.

While the Administrator would be required to follow the Administrative Procedure Act, his determination of standards would amount to a determination of an issue of fact and those aggrieved would have little or no effective appeal available to them. Such an appeal would not be likely to have more effect than appeals from other Federal administrative agencies on issues of fact.

The effect of section 5 of S. 4 would be to throw to the winds the extensive and costly efforts of all concerned in the protracted Chicago diversion litigation by vesting unilateral authority to establish water quality standards for the Chicago Sanitary Canal in one Federal Administrator.

The placement of this virtually unlimited power over the Nation's streams in the possession of a single Federal Administrator is against the public interest.

CONCLUSION

We submit that the enactment of section 5 of S.4 in its present form would cause irreparable injury to the State of New York and its power authority, that it would give too much power to one man and would be very much against the interests of the people.

This is not to say that the Federal Government should not step in to control pollution where States have failed to act. But we believe that a Federal official should not be authorized to set standards of water quality unless it is necessary for him to do so in the absence of State standards.

It may well be that the Congress should empower the Secretary to review standards set by individual States or combinations of States, and if he deems them to be too low ask the affected States to raise them. In the event of their failure to comply, a procedure could be established to refer the matter to an appropriate committee of the Congress.

We think it particularly unwise to permit an official in the Department of Health, Education, and Welfare to determine unilaterally standards applicable to international waters without the approval of the State Department. The United States agreed with Canada in the 1909 Boundary Waters Treaty (art. IV) that boundary waters and waters flowing across boundaries should not be polluted on either side to the injury of health or property on the other. The treaty established the International Joint Commission to decide questions arising under the treaty, which of course include questions having to do with water pollution. Similarly, the 1944 Water Utilization Treaty with Mexico provides for consideration of sanitary measures by the International Boundary Commission established by the 1889 treaty with Mexico. Many matters involving pollution of international waters should be referred to one or the other of these international bodies. Certainly they should be consulted if diversion of waters is involved. No U.S. official should take unilateral action affecting boundary waters without prior consultation with our Department of State, which would then have an opportunity to determine whether any international agency or foreign government should be consulted.

We respectfully request that the committee take a hard look at the proposed legislation and come up with a bill which will accomplish the purpose of combating water pollution in an efficient manner and at the same time protect the legitimate interests of all concerned.

MR. BLATNIK. Mr. Stan Spisiak, chairman of the Water Resource Commission of the New York State Conservation Council.

COMMISSION, NEW YORK STATE CONSERVATION COUNSEL STATEMENT OF STAN SPISIAK, CHAIRMAN, WATER RESOURCES

MR. SPISIAK. Thank you, Mr. Chairman.

I am Stanley P. Spisiak, of Buffalo, N.Y., the authorized representative of the New York State Conservation Council. This council represents approximately one-half million organized sportsmen and conservationists in the State of New York. For the past 14 years, I have served as chairman of the water resources committee of this council.

I welcome the opportunity to testify again before this committee. I testified on April 12, 1954, to this committee, on the then existing state of water pollution in New York State. In the intervening 11 years, the pollution of the waters in the New York State area has increased drastically.

I would like to state at this time, aside from what I have in my statement, that it would be difficult to disagree with what the good Governor of my State had to say this morning. He has proposed to us a seven-point program that is somewhat like the Ten Commandments except, for some reason or other, he only had seven.

I do not disagree with any of the things that he proposes or any of the recommendations that he has made. I think he is to be complimented for having finally awakened to the fact that we have an emergency situation in New York State which will require 6 additional years for solving. It is regrettable that for the past 6 years, he has buried his head and has not seen what has been taking place.

Today there is no bathing beach from Buffalo to the Pennsylvania line that is free from pollution during the entire swimming season. Ten years ago, beaches in this area were clean except for occasional instances of pollution.

Blue pike has completely ceased to exist. Twelve years ago, the blue pike was a prime game fish and a very important factor in the economy of neighboring towns where commercial fishing took place.

In 1964, Buffalo had to warn its citizens not to use the public water supply, which is drawn from Lake Erie and the Niagara River, because of severe pollution of the source.

In January of 1965, citizens of Wanaka, N.Y., were warned not to use the public water supply drawn from Lake Erie because of the presence of phenol in the water. Wanaka is entirely along the Lake shores. Many of our finest homes are in that area, where people have a bathing beach in the backyard—Lake Erie—and the home is in the front. The 25,000 to 35,000 private boat owners in the Buffalo area are unable to store their boats in the Niagara River because of the rapid deterioration caused by oil, acid, and other surface pollution.

The passage of the past 11 years has not been encouraging in the fight against water pollution. New York State does not have a good record in combating water pollution. The New York State Water Pollution Control Board, since 1949, has instituted action against only 80 violators of the pollution law. This is a State having 10 percent of the entire population of the United States. In the 15 years, that amounts to $5\frac{1}{3}$ cases per year for the entire State.

In order to institute action against water pollution violators, it is necessary to take samples of the polluted water at the scene of the violation. New York States maintains only one active mobile pollution detection unit to cover such violations. Yet even this unit is only a part-time pollution control unit. Its primary function is biological research.

This pollution unit provides such limited coverage that in June of 1960, the seven counties bordering Lake Erie and the Niagara River asked that the unit spend 2 weeks in that area of the 52 weeks in the year. They were denied with this service with the admission that the unit could not possibly cover the entire State.

I would like to introduce for the record the written request to the State for this service and the reply received from Commissioner Wilm, who is here today, of the State of New York Conservation Department.

(The information follows:)

STATE OF NEW YORK CONSERVATION DEPARTMENT,
DIVISION OF FISH AND GAME,
BUREAU OF LAW ENFORCEMENT,
Buffalo, N.Y., August 13, 1953.

From: James Hanville, Jr.
To: T. W. Strang.

We have a pollution case against Remington Rand in Tonawanda. The report is attached. As the plant is closed until the 17th we were unable to take care of it. Therefore I would suggest that you call on them in company with Morris Lipschuetz of the pollution unit and Donald Stevens of the water pollution board whose address is 374 Delaware Avenue, Buffalo, WA 6131. You can go to Remington Rand with these men and offer them a settlement of \$500, you, of course, talking law enforcement and Morris talking relative to their findings. The date is Wednesday, August 19 at 10 a.m. Morris will meet you here at the office and then you will pick up Mr. Stevens at 374 Delaware Avenue and proceed to Remington Rand. No information about this is to be given to Stanley Spisiak.

Also attached is a memorandum from Harold Canepi relative to certain things that must be done on pollution cases.

JAMES HANVILLE, Jr.

STATE OF NEW YORK,
DEPARTMENT OF HEALTH,
August 11, 1953.

Dr. Dean, Buffalo Regional.

Mr. Dappert.

Attention: Mr. Stevens.

Re Tonawanda Creek, fish kill, reported by conservation department as due to cyanides from Remington Rand plant in Tonawanda (e).

Dr. Senning phoned me relative to above fish kill which occurred on Thursday, July 30, 1953. Mr. Lipschuetz, of the conservation department, by process of elimination, apparently has charged the Remington Rand plant as being responsible. Cyanide wastes apparently were discharged to a city sewer discharging into Niagara River and then carried into Tonawanda Creek, killing fish in both the river and creek.

Dr. Senning feels that in view of the public furores which fish kills occurring in Buffalo area have caused, the conservation department probably will have to assess a penalty against the company. Obligation of the water pollution control board at the present time and until the waters are classified and the pollution abatement program is developed is to stimulate installation by the industry of adequate treatment facilities so that there will be no further fish kills by wastes from this company.

Mr. James Hanville, district game protector, has an office in the State office building in Buffalo. Dr. Senning will arrange probably for Mr. Hanville to confer with officers of the company relative to the matter of a penalty. At time of such conference we would like to have you accompany Mr. Hanville and urge the company to proceed at once with necessary studies and preparation of plans for adequate waste treatment facilities. Please arrange to confer with Mr. Hanville and to accompany him when he has made arrangements for the conference with company officials.

Dr. Senning is sending you a copy of Mr. Lipschuetz' report relative to this matter.

NEW YORK STATE CONSERVATION COUNCIL, INC.,
Buffalo, N.Y., June 23, 1964.

Commissioner HAROLD G. WILM,
New York State Conservation Department, Albany, N.Y.

DEAR COMMISSIONER: I am writing to reiterate my verbal request made to you upon your recent visit with the Erie County Federation.

I would like to have the mobile pollution unit stationed at Scottsville, N.Y., to be assigned to the western New York area for a period of 2 weeks. One week to be the last week in July (July 27 to 31), and the second week the first week in August (August 3 to 7).

The western end of New York State certainly is in need of such services as can be rendered by this unit and I respectfully urge you to grant us this request.

Thank you.

Yours for cleaner waters,

STAN P. SPISIAK,
Chairman of Water Resources Committee.

STATE OF NEW YORK CONSERVATION DEPARTMENT,
Albany, June 30, 1964.

Mr. STAN P. SPISIAK,
Chairman of Water Resources Committee,
Buffalo, N.Y.

DEAR STAN: This will reply to your letter of June 23, requesting assignment of our mobile, pollution unit from Scottsville to vicinity of Buffalo for a 2-week period the latter part of July and first week of August.

In checking into the status of this unit, I am advised that fully half the State depends on its availability for quick, on-the-spot service for reported fish kills; that the summer season is the most critical period of need for its wide-ranging service; that on the basis of reported kills in recent years we could no more justify a western than southeastern location of this unit for a fixed period; that the unit can do only a part of the analysis required at any one site, the re-

mainder having to be done at the Scottsville laboratory which clearly cannot be transferred with the mobile outfit.

I appreciate your request is motivated by positive, public education benefits you visualize in temporary assignment of this unit to the Buffalo vicinity as requested. However, in view of the critical dependence on this unit for emergency fish kill diagnostic service to other sections of the State, it would be most unwise to commit this unit to any one location away from Scottsville.

I was happy to again have the opportunity of meeting conservationists in the western end of the State and particularly to enjoy the company of the Erie County Federation, a dynamic group indeed.

Sincerely,

HAROLD G. WILM, *Commissioner*.

The denial of repeated requests for the service of this mobile pollution detection unit makes it impossible to document the obvious existing pollution and the violation of our pollution laws.

The New York State Conservation Council has offered to introduce necessary legislation to the New York State Legislature to provide additional pollution detection units. These offers have been publicly declined by Commissioner Wilm, with the statement that no additional units are needed.

The people in New York State cannot proceed to the enforcement of antipollution laws unless they can document the existing pollution of their rivers and lakes. As it now stands, we are not even permitted to know what the condition of our waters are; and no one actually knows what they are, except from what they can observe by themselves.

In those cases where the pollution detection unit does document a pollution violation case, enforcement of the law is meager at best. In a documented case of the dumping of several thousand gallons of cyanide waste in the waters upstream from three water intakes, serving one-half million people, there was no published report on any action taken by the State in enforcing penalties under the law.

I would like to insert in this record a document; in this case, one which specifically orders information to be withheld from the public.

Yet, while the need for action is greater than it has ever been before, the so-called water pollution control board has gone out of existence as it was originally established and has been absorbed by the State health department, whose own record leaves much to be desired.

Incredible as it may seem, at this very moment, while we are gathered here in a serious effort to find the means to preserve such water supplies as we still have available, there is not in the State of New York any specific agency nor individual whose sole duty it is to detect and to analyze current pollution and recommend means for preventing it.

This utter failure on the part of existing agencies in the State requires investigation and assistance on a Federal level. Where else can we turn if we cannot turn to you? Our own State has not provided us the leadership; has denied us the knowledge, and is, at the present moment, shielding us—not from pollution but from determining whether we have it or not.

I can tell you specific cases, which I do not have in here, which I can document, wherein the people of that area have been subjected to drinking water that would not sustain fish life, and by that factor, we know that that water was not fit for human consumption, and that water was coming from the taps in the homes of the people.

The utter failure, as I said, requires your help.

The Federal Government might consider providing mobile detection units to supplement the activities of the State agencies.

The record of the Federal Government in eliminating water pollution in our area is not much better. In the State of New York, in the 15 to 16 years since the passage of the Federal Water Pollution Control Act, and the subsequent creation of the New York State Pollution Control Board, there has been virtually no effort to control pollution, not even as it applies to the international waters which are governed by a treaty between Canada and the United States. This treaty is constantly being violated not only by the industries and municipalities but by the very Corps of Engineers whose sworn duty it is to enforce the existing Federal laws controlling navigable waters.

I would like to cite a specific instance. In May of 1961 the Corps of Engineers was removing part of what had been an old brick wall in Buffalo Harbor on Lake Erie to provide a new ship entrance. This wall consisted of heavy wooden timber cribbing that many years before had been towed to place and then sunken by the addition of rocks. In the spring of 1961 the Corps of Engineers undertook the removal of a portion of this cribbing by employing divers to cut these timbers loose so that they and the rocks that they contain could be removed.

These timbers were allowed to rise to the surface and many, if not most of them, were permitted to float down the Niagara River, causing extensive damage, as well as endangering life and property. It was a very serious problem that was not being solved. I had to take to a helicopter to determine where these logs were coming from, because there was a great deal of consideration on the part of the public officials, and no one realized that it would certainly be easy to follow this trail, as it certainly was. The determination was very definitely made as to where they came from.

In spite of the provisions in the 1948 Pollution Control Act, which also called for encouragement of State action, Lake Erie and the Niagara River have deteriorated to the extent that Lake Erie properly is referred to as a dying lake, no longer able to sustain preferred species of game fish. Beaches along the entire shoreline are being closed down by local health authorities because of gross pollution. Worst of all, many local health authorities, because of a false pride and a misplaced loyalty, as well as financial consideration, are permitting beaches to remain open which should be closed.

To address myself to the specifics of the legislation currently being considered by your committee, I believe that there should be a strengthening of State and Federal laws to an extent never before considered necessary. Enactment of existing laws permitting voluntary compliance has been a dismal failure. Too many teeth have been pulled from past and present legislation. We need Federal regulations with teeth, laws with penalties, that will cause violators to take notice. We also need effective enforcement of these laws.

Mr. CRAMER. Mr. Chairman.

Mr. BLATNIK. Mr. Cramer.

Mr. CRAMER. You have some specifics to suggest to the committee relating to those recommendations?

Mr. SPISIAK. If you will allow me, sir.

Populations create pollution. Therefore, programs designed to aid States must be on a per capita basis and not limited so as to penalize the larger and more populous States.

I believe that limitations on expenditures of Federal funds for the construction of sewage treatment plants, currently under consideration by you, are really unrealistic and must be raised to meet the true demands.

The city of Buffalo currently does not have the capability to process its sewage on a regular basis and is dumping raw sewage into the Niagara River as much as 30 to 40 days of the year. To adequately handle Buffalo sewage as well as that of five neighboring communities, which could be connected with this in a joint project, a facility, desperately needed, would cost approximately \$30 million. In a case such as this, an expenditure of \$10 million of Federal funds would be fully justified as a joint venture.

Yet even the individual project-limitations being considered by your committee are without meaning unless there are sufficient funds—Federal funds—to implement the law. The \$100 million authorized in existing legislation is totally inadequate to meet the Nation's and New York State's needs.

New York State needs, as the Governor pointed out, \$53 million from the Federal Government to carry out the 6-year emergency program requested by Governor Rockefeller. We cannot wait another year or two to authorize and appropriate moneys to implement anti-water pollution laws. To emphasize this point, 2,301,000 people, or 15 percent of the total urban population of New York State, have no sewerage whatsoever; 5,483,000, or 37 percent of the total urban population, are served by inadequate sewerage systems. This constitutes over 50 percent of the population of New York State that is inadequately sewered, and the number grows larger by the minute.

The control and stoppage of the sale of so-called hard detergents, as considered by your committee in the past, is mandatory. This should pose no difficulty since the manufacturers of these products have repeatedly assured us that they would be ready by July of 1965, without prodding or enforcement legislation.

I and my family use nothing but the softer types of detergents, or the biodegradable types. They are available in all of the stores now, so that would be no problem.

I recommend a December 31, 1965, deadline be set for the prohibition of manufacture and interstate distribution of these products.

In summing up, I can only repeat that we must be wrong somewhere when we have permitted the Great Lakes and the waters that they contain, which constitutes one-third to one-half of the entire fresh water supply of the world, to become so contaminated that residents who live on their very shores must buy bottled water because they are unable to use public water supplies. They cannot use these waters, because they contain at times phenol or carbolic acid, as well as cyanide, which is much more toxic.

We cannot and must not let personal prejudices or political considerations turn our thoughts for one moment from our common goal: The preservation of our remaining pure water supplies and the reclamation, if possible, of some we have already lost.

I pray that we do not let our desire to reach the moon blind us from the fact that we are losing our fight to save America's waters. The cost of pollution prevention may be high, but the price of failure would be disastrous.

MR. BLATNIK. Thank you, Mr. Spisiak. You certainly make a very forceful case on the need for more adequate pollution control programs.

Would you have any comment to make or any recommendation on specific legislation before the committee at this time?

MR. SPISIAK. I do believe that the matter in reference to the liquid detergents, or the so-called hard detergents, with the ABS factor, is one that could be done. The mere consideration—

MR. BLATNIK. This committee is familiar with the problem.

MR. SPISIAK. I know that. But the mere consideration by this committee—I do remember that it was defeated, the Towers amendment, I believe, contained it, and it was defeated in prior legislation. I urge respectfully it be included in future consideration, because I do feel that in itself—the reason I mention that is I do an awful lot of speaking before service groups and women's groups, and they all ask me on a private level—the individual people in the State of New York—"What can we do as individuals?"

One of the things that it has been possible to tell them is if they would consider their own individual cases, many of them being served by septic tanks, this at at least something a woman can do. She can go to a store and buy a biodegradable type of liquid detergent, and she feels, at least in her own instance, she is cutting down on the contamination of her ground water supply for the future.

I believe that basically the statement stands for itself, and I do believe that you certainly must feel that I know what I am talking about, on the lack of enforcement in the State of New York. I regret I cannot toss any more bouquets, but I do not think our Governor or our State needs them. They have had all they need. I think a little consideration of our failure is more important at this time.

MR. BLATNIK. Any questions?

MR. MCCARTHY.

MR. MCCARTHY. Yes, Mr. Chairman.

I would like to compliment Mr. Spisiak, who resides in the district I represent. Mr. Spisiak has really been a pioneer in this. For years, he has been fighting this fight. And, as you can see, he is very knowledgeable on this subject, and all of its ramifications. I certainly appreciate him taking the time, at his own expense, to come here to present his testimony, which I think was very illuminating.

I think it is rather ironic that the Governor of our State, where lack of enforcement has been a tragedy—as you have cited by the dearth of the number of cases and by the fact that there is only one mobile unit to test the water—should be making a great display about his interest in combating pollution. If anything, New York State should be hanging its head in shame. So I certainly thank Mr. Spisiak for his testimony.

MR. CRAMER. Mr. Chairman.

MR. BLATNIK. Mr. Cramer.

MR. CRAMER. The last thing I want to do is get into an argument with regard to New York's politics. We have enough problems where I come from.

But I gather your criticism of the present Governor, having had his head in the sand, as you say, for a while, would apply equally if not more adequately to his predecessors, who apparently never did get their heads out of the sand?

Mr. SPISIAK. I would hate, myself, to have discussion deteriorate to personalities. I would have been the last person to have brought the Governor into the situation, except for the fact that I feel very strongly that any public official who allows his personal life to dissuade him or to take any of his time away from our State, which he is sworn to serve, is no longer to be considered as free time. I believe his personal life is his own; on the other hand, I do feel that in the last 6 years that we have had the honor of having him, we have not had all of the help that we could have had from him in regard to water pollution. This is the only point that I make.

I am not happy with what has happened, and this is not any crash program that is being proposed at the present time.

We were in a crash program state many years before he came into office. So, rightfully, as we say, we cannot criticize him for what he inherited. But the lack of any kind of action in the past years, as I go back here, the past 12 years, there has been none in the past 12 years to talk of and what there has been has been a suppression of information. We really do not know in the State of New York.

Mr. CRAMER. His predecessors had their heads in the sand permanently and never did get them out, if you want to use that as a comparative statement.

Mr. SPISIAK. That is your statement.

Mr. CRAMER. I asked you the question initially. I would be very interested in knowing, because you made some interesting rather broad statements as to, you think that this committee and the Congress should pass strong penalties, and we should strengthen the enforcement sections, and so forth, even beyond the bills under consideration. What I would like to know is what do you have to recommend to the committee specifically on those points?

Mr. SPISIAK. Thank you. I think that I should have mentioned, a little bit more specifically, the violation of the treaty between Canada and the United States. It displeases me a great deal. I have a lot of Canadian friends. I live very close to the Canadian border. I see daily, or this occurs daily and certainly is very apparent, violations of the treaty that exists between Canada and the United States. We are discharging, along the lakeshore of Lake Erie and the Niagara River, daily tons, tons of materials which find their way through the actions of the giant mixmaster, which is Niagara Falls, to such a point that below Niagara Falls, the waters that were on the American side are no longer on the American side; they revert to the Canadian side. Their beaches are contaminated, their waterfront area is destroyed, desecrated by pollution originating in the Buffalo area on the American shores.

Mr. CRAMER. I understand these problems exist. My question is, What recommendation do you have that would amend this bill before us or existing law that would provide penalties? What penalties would you recommend, and how would this be carried out?

Mr. SPISIAK. I would hesitate to give you recommendations as to what type of penalties. I have not had any interest in penalties. I do not think that we need penalties.

We do need, however, to determine what is going on and when it is going on. The determination should be made by the courts, not by people such as myself.

Mr. CRAMER. I was quoting your testimony. You said heavy penalties should be imposed. I would be interested in knowing what penalties you have in mind.

Mr. SPISIAK. Right now a \$10 penalty would be higher than anything we have had in 20 years in our State, so that would be a heavy penalty, heavier 10 times than anything we have had.

Mr. CRAMER. Of course, we have court provisions in the present law that requires the polluting parties that make the pollution subject to contempt of court.

Mr. SPISIAK. I realize that.

Mr. CRAMER. That is a pretty heavy penalty. If you have ideas of heavier penalties, I would like to know what they are.

I yield to the gentleman.

Mr. McEWEN. Thank you, Mr. Cramer.

You made a very broad allegation that the State of New York had done nothing in the abatement of pollution problem. It is not my purpose to argue the question, but, Mr. Chairman, I believe I would be remiss in not making at least two or three observations.

I am mindful that in my own district the Power Authority of the State of New York, without taxpayers' money, but financed solely through the investments of prudent investors who bought their bonds in connection with the development of power on the St. Lawrence River, and at their own cost, installed sewage treatment plants in two communities where they felt their work was having some effect on the flow and natural character of the river. And the State of New York, Mr. Spisiak, in the largest State institution bordering that river, a State hospital in my community of some 2,000 beds, the State there led the communities in putting in a sewage treatment plant for that hospital. I would like to think that through this leadership the remaining substantial community on the American side is in the process of completing interceptor sewers and sewage treatment plants. I think the record will show we have made progress, granted not enough.

I was a little surprised to hear you say nothing in the State of New York has been done as a matter of pollution abatement.

Mr. SPISIAK. I do not think we can take any pride in the fact, when we put up buildings, we put up sewage disposal systems to handle the sewage we provide. This is what we should be expected to do.

I state here in the record there has been no marked improvement in past pollution. There has been no attempt to determine whether or not we have been living up to the law.

To say that New York State is putting up buildings or people in the State are putting up buildings without adequate provision for sewage is not any statement that I would make.

I do realize new construction is being adequately served by sewage disposal systems of their own making, or they would not build them. But I do not think this is any sewage abatement; I think this is merely what we would expect of anyone that is providing pollution, to take care of what they are creating.

Mr. McEWEN. I am citing an institution that has existed for a long time. I am referring specifically to St. Lawrence State Hospital, a 2,000-bed hospital, which has been there for some 50 years. The State came in and put in a sewage treatment plant, which led the other communities of the district.

We have heard repeated references in this hearing today and prior hearings before this committee, to the fact that the Federal Government has failed in many, many areas, on airbases and other Federal installations, hospitals, prisons, et cetera, to provide adequate sewage treatment facilities.

The gentleman from California gave an illustration of pollution of the San Francisco Bay, caused in many instances by Federal installations.

I think it should be clear on this record, Mr. Spisiak, at least in the State of New York, the State in its own institutions has taken great strides in the treatment of sewage from those State institutions.

Mr. SPISIAK. I think it is good to mention the Governor incorporated as one of the seven points in his platform the point he is asking for authority to provide adequate sewage on any construction of State buildings, prisons, and so forth. Again, I say I do not think it is necessary to secure legislation for that. He has had the power, in fact the mandate in the law, the Water Pollution Mandate Act of 1949 provides that there shall be no construction in the State of New York and any plan submitted must adequately provide for the treatment of any sewage which will be disposed of, or the effluence, as the result of the occupants of the State structure.

(At this point, Mr. Roberts assumed the chair.)

Mr. McEWEN. Do you know of any comparable provision of Federal law of Federal installations?

Mr. SPISIAK. No, I do not.

Mr. ROBERTS. Thank you.

Mr. CRAMER. What is your business, Mr. Spisiak?

Mr. SPISIAK. I am in the jewelry and real estate business.

Mr. CRAMER. Thank you, sir.

Mr. ROBERTS. Thank you, sir.

The next witness is Mr. Harold Wilm, commissioner of New York State Department of Conservation and chairman of the Water Resources Commission, New York State.

Mr. Wilm.

**STATEMENT OF HAROLD WILM, COMMISSIONER, NEW YORK, STATE
DEPARTMENT OF CONSERVATION, AND CHAIRMAN, WATER
RESOURCES COMMISSION, NEW YORK STATE**

Mr. WILM. Thank you, Mr. Chairman.

Mr. Chairman and members of the committee, my name is Harold G. Wilm. I am commissioner of the New York State Department of Conservation and chairman of the New York State Water Resources Commission.

I might ad lib at this point just a little bit to remark that New York State seems to have had quite a place in your day today and we appreciate it very much. There have been quite a variety of opinions expressed. I would like to remark that at last you are going to have

one speak for a national organization, not just New York State, even though I come from there.

Mr. ROBERTS. Thank you, Mr. Wilm.

Would you care to make your statement a formal statement and then comment on the other points?

Mr. WILM. Yes.

Mr. ROBERTS. Thank you.

Without objection, the statement will be made a part of the record.

Mr. WILM. Mr. Chairman, may I ask a question?

Mr. ROBERTS. Yes.

Mr. WILM. What I really meant to say was I am representing a national organization, the Interstate Conference on Water Problems.

Mr. ROBERTS. I understand.

Mr. WILM. I see. Thank you.

Mr. CRAMER. Mr. Chairman, is he through?

Mr. ROBERTS. Mr. Wilm, do you wish to comment on your statement?

Mr. WILM. Oh, yes. I beg your pardon. I misunderstood.

Mr. ROBERTS. We will file your prepared statement, but you may stress informally whatever points you may wish to.

Mr. WILM. As you doubtless know, the Interstate Conference on Water Problems is a national organization of State officials concerned with all phases of water sources, of which water pollution is one. We have been quite active and helpful, we hope, in Federal legislation, one outstanding case of which is the presently pending Water Resources Planning Act of 1965.

Our principal concern with this bill, while we, of course, are interested in building up the strength of water pollution control activities in the Nation, and naturally we feel very strongly, heartily in favor of Governor Rockefeller's New York State program, still we have chosen this time to express our concern particularly over section 5, which has been referred to a number of times today.

We do feel very strongly that the present bill really conveys powers to the Secretary of Health, Education, and Welfare, which are not intended by the declaration of the policy of the Congress in the Water Pollution Control Act, and other statutes, nor in the President's own recent message to the Congress, in which he said to improve the quality of our waters will require the fullest cooperation of our States and local governments working together. We can and will preserve and increase one of our most valuable natural resources, clean water.

Yet the standard-setting parts of the bills before this committee, which we question, would alter that declaration of congressional policy and place in the Secretary of Health, Education, and Welfare truly dictatorial powers to impose standards upon the States.

Aside from imposing standards upon the States, this same broad grant of authority would effectively displace State, local, and interstate agencies now functioning in the field of water pollution control, insofar as water quality standards are concerned. Nor is it sufficient to contend that the Secretary's action shall come only when State standards are inadequate. If this committee and the Congress intend that Federal action shall be supplemental, this intention must be made explicit in the statute, and an appropriate provision tailored to that end.

A related point we would like to make is that actually, in establishing the standards for water, health of course is important. It is vital to all of us. But there are other values for water which are also important and need to be considered. For this reason, it seems important that other people than simply the agency of the Federal Government who has power over health, education, and welfare have the authority to cooperate and participate in the establishment of standards.

I might say that the conference does not object to participation, active participation, in standards by the Federal Government; but we do object to the dictator, all-powerful role suggested under the present bill.

One other point, the Federal Water Pollution Control Act also encourages, as a matter of policy, the use of interstate compacts to abate pollution. Yet the bills before us would establish a competing standard-setting authority to the Federal, interstate, and intrastate compacts, approved by the Congress. The one in which I am most particularly involved is the Delaware Basin compact, and I believe our commission has also filed a statement expressing a strong objection to superseding the powers of the Delaware Basin compact by the powers proposed by these bills.

The States, their local governments, and the several interstate agencies set up to control pollution all have tremendous stakes in pollution abatement and in the provisions of the legislation you are considering. They are making a major and an increasing effort to improve water quality.

I do not think I have to go further than that.

Mr. Rockefeller's proposal, I think, is a most outstanding example of responsibility and activity by a State.

We urge that the bill reported by this committee contain provisions insuring that the question of the necessity for Federal standards be determined objectively. We urge that such standards be fixed in a way which takes account of the interests of the several classes of water users.

Mr. Chairman, we have prepared amendments to your bill, which we would like to submit to you. They are attached to my statement.

Mr. ROBERTS Thank, you, sir.

May I ask one question, sir. All 50 States are members of your interstate conference, are they not.

Mr. WILM. Yes.

Mr. ROBERTS. So you do have access to your attorneys general and the official statement of each State?

Mr. WILM. Yes.

Mr. ROBERTS. Who usually make or write the agreement——

Mr. WILM. There is not any particular pattern of the membership. Every State has a responsible water sources person, a person like me, or an administrator or legislator, who is primarily interested in this kind of problem. So we do generally speak responsively before a State.

Mr. ROBERTS. Mr. Cramer.

Mr. CRAMER. Mr. Wilm, you have made a very interesting statement, pointing out the shortcomings I feel exist in this proposal.

I have been trying to find out for 2 years now what the origination of this legislation was. Who is asking for it, do you know?

Are any State water conservation departments, water jurisdiction agencies within the States demanding this legislation setting standards, that you know of?

Mr. WILM. As to the actual genesis of the bill, I cannot say definitely. But I believe it was prepared either as a department bill or at the President's request originally.

Mr. CRAMER. I am talking about last year. Last year it was not. Last year it was the Muskie bill.

Mr. WILM. Yes, that is true.

Mr. CRAMER. This year, to some extent, in some instances, the administration has indicated it favored it. But the States—and you are representing the Interstate Conference on Water Problems; do you know of any State in your conference that are asking for this legislation?

Mr. WILM. Not for this legislation, I do not know of any; no. The conservation organizations within the States are generally, of course—as all of us are—strongly in favor of water pollution abatement, and I think there has been quite a little sentiment expressed in favor of these bills simply because they do provide for stepping up water pollution abatement.

Mr. CRAMER. Of course, you pointed out the principal problem involved, and that is the Federal Government setting standards. We are likely to get a “Steve Nelson” case situation, with the Federal Government preempting now some State functions by virtue of passing that Federal standard. You see that problem developing; do you not?

Mr. WILM. That concerns us very deeply indeed.

Mr. CRAMER. I am very interested in your proposed substitute section, the last two pages following your statement, in which you suggest that, inconsistent with your statement, in glancing over it, that there be established a Federal-State partnership in the business of setting standards in the first instance. That is the impact of your proposal; is it not?

Mr. WILM. Yes.

Mr. CRAMER. And that this proposal was carefully drafted by this interstate conference? It was given careful consideration, was it?

Mr. WILM. Very much so.

Mr. CRAMER. And this is their recommendation as to a method of State-Federal cooperation in determining standards?

Mr. WILM. Yes.

Mr. CRAMER. And taking into cognizance existing standards?

Mr. WILM. Right.

Mr. CRAMER. And providing for proper enforcement of the standards agreed upon. And, as I understand it, this is the recommendation of the respective States making up the Interstate Conference on Water Problems?

Mr. WILM. In compliance with the resolution passed 2 years in a row by the 50-State conference.

Mr. CRAMER. Resolution to what effect?

Mr. WILM. To the effect, primarily, that the conference is opposed to the interjection of the Federal Government in establishing and promulgating and enforcing standards, and that we participate or help in any way we can in establishing legislation which would provide a broader base of responsibility.

Mr. CRAMER. State-Federal partnership approach?

Mr. WILM. Yes.

Mr. CRAMER. So this is the recommendation, your organization would be in support of that section relating to standards if it were drafted in this Federal-State partnership manner?

Mr. WILM. Yes. Standards are needed more strongly, of course. Our only question is who should establish them?

Mr. CRAMER. I would just comment I would hope the members of the committee would give some serious consideration to this proposal, because it may open the door in the way to accomplishing what everybody wants to accomplish, but without doing complete violence to the State-Federal relationship.

Thank you.

Mr. MCCARTHY. Will the gentleman yield?

Mr. CRAMER. Yes, I will be glad to yield.

Mr. MCCARTHY. Mr. Cramer asked who is asking for this legislation.

I might say, in the case of people of western New York, where we have had much allusion to the acute problem of Lake Erie, that the people are asking for this strong Federal legislation.

I recently polled 100,000 homes in my district. We have had 16,000 of these returned to date, these questionnaires. And overwhelmingly, in about 19 cases out of every 20, when faced with the choice of a strong Federal program, a State program, or only a local program—the respondents were Republicans, Democrats, liberals, leftwing, rightwing, what have you, across all ideologies—checked off a strong Federal program.

In talking with people I represent, I asked them why they checked that off. They cited some of the factors alluded to by Mr. Spisiak in your own State.

So I would suggest that certainly, in my own personal experience, the people of the country are asking for this program.

Mr. WILM. May I comment on this, Mr. Cramer?

In contrast to that, I would like to remark to Mr. McCarthy that your own region, western New York State, has taken leadership in our State in establishing a regional water resources planning board, which is headed up by a local board. They are making plans for water resources development with assistance of the State of New York, and are very definitely carrying on this program without the Federal Government excepting we are asking the Federal Government to help them.

I think this is the highest expression of responsibility in government, and your region is to be greatly complimented for it. So it seems just a little—almost anomalous to me, paradoxical, the people in the same region would be demanding a strong water pollution control program and carrying the reins in their own hands when—

Mr. MCCARTHY. It is, but when the people who live right on Lake Erie have to buy bottled water, I think you can understand that they would want some relief. And, granted that there has been some initiative, I think it has been pretty late in the whole story, and certainly, in my own experience, in response to these questionnaires, they are asking for this legislation.

Mr. CRAMER. I would suggest to the gentleman, you probably get any reply you wanted, based on the type of question you ask. I think everybody wants clean water. I know I do, and I think everyone in my district does. If I were to ask do they want clean water, they would say yes. If I were to ask do they want the Federal Government to come in and decide what types of uses are going to be made of the shores of all the streams in America, whether they think the Federal Government or the State or the two in partnership should make that determination, I will guarantee you the people in my district would rise up in horror at the idea of the Federal Government becoming a shore zoning agency, in effect.

That is what the difference is—in how you ask the question. But we will argue that out in executive session.

Mr. MCCARTHY. If the gentleman will yield just a moment——

Mr. CRAMER. I am glad to yield to the gentleman.

Mr. MCCARTHY. We did ask three choices: Federal, State, local. They chose the Federal.

Many people said we would ordinarily object to Federal intervention. This is a unique situation, crossing State boundaries, where the Federal Government does indeed have a role to play.

Mr. ROBERTS. Mr. Wilm, your amendments are for international treaties that are covered and also intercoastal waterways?

Mr. WILM. Yes.

Mr. ROBERTS. Thank you.

Mr. HARSHA.

Mr. HARSHA. Mr. Chairman, I would like to ask Mr. Wilm a question about judicial review under the pending bill or bills we are considering.

As I understand it, there are arguments, both pro and con, that there is adequate judicial review in existing law, by virtue of the fact that we have this Administrative Procedure Act.

Now, it is my contention that this does not necessarily provide a judicial review of any regulations that the Secretary may set. It would only provide judicial review in the event enforcement action is filed and then a man is charged with violation of the injunction. From then on, he would be entitled to some judicial review of the situation.

Is that your understanding of it? Or are you familiar with that aspect?

Mr. WILM. That is my understanding of it.

Mr. HARSHA. Then, in effect, there is no judicial review of this program policy, of the making of standards by HEW?

Mr. WILM. Dr. Wendell, our counsel on our interstate conference, is here and may be able to answer your question.

Dr. WENDELL. Yes, sir. If I may answer from here, that is correct.

Mr. ROBERTS. Excuse me just a minute. Will you identify yourself and position?

Dr. WENDELL. Dr. Mitchell Wendell, counsel for the Council of State Governments, and we serve as secretariat for the Interstate Conference on Water Problems.

The supposition is correct. The Administrative Procedure Act would provide certain types of remedies for accused polluters, who

might then seek to set aside orders, determinations with respect to what they had to do with their pollution.

However, so far as the States are concerned, that is pretty late in the day; insofar as anybody is concerned, that is pretty late in the day. The really crucial part of the present legislation, with respect to Federal standard setting, is the policy people, the persons who are admitted into that policymaking stage of the consideration. Once the standard is set, it is not very helpful, from the point of view of State policymaking or State contribution to enforcement, to say that a private polluter may have a remedy with respect to the standard in the Federal courts. The States would have no remedy at all, nor would the States through the Administrative Procedure Act be able to secure any determination with respect to whether it was their standard or the Federal standard or some combination of them, which should prevail.

(At this point, Mr. Blatnik resumed the Chair.)

Mr. HARSHA. Then there is no provision for judicial review of the standardmaking program itself, policy itself? Am I correct in that?

Mr. WILM. It is our understanding.

Dr. WENDELL. No, there is no such provision.

Mr. HARSHA. Thank you.

Now, Mr. Wilm, are you familiar with Orsanco?

Mr. WILM. Yes.

Mr. HARSHA. I believe that is the Ohio River Valley Sanitation Commission, is it not, and is an organization of some eight or nine States that meet. That was organized with the approval of Congress, was it not?

Mr. WILM. Yes, sir.

Mr. HARSHA. In their 1964 report, they make this statement, and I wonder if you can give me any indication as to its accuracy; they say that—

Today, 99 percent of the sewage emanating from communities along the 1,000 miles of the Ohio River is piped into purification plants.

Now, is that an accurate statement?

Mr. WILM. From personal knowledge, I cannot say that it is an accurate statement. However, I know that this is a very responsible organization, and I am sure they would not print such a statement unless it was correct.

Mr. HARSHA. And they further say that—

Today there are more than 1,700 industrial establishments whose effluents are discharged directly into the streams of the Ohio Valley district. Today 90 percent are recorded as complying at least with minimum interstate requirements and some are rated as doing much better.

That statement appears in this publication labeled "Orsanco, 1964."

Are you familiar with that publication and the organization?

Mr. WILM. I have seen it, yes, and I know the organization.

Mr. HARSHA. And could you vouch for the authenticity of what appears in this publication?

Mr. WILM. As a person or administrator, of course, I cannot, because I am not directly involved in the organization. However, I do know that it is an extremely responsible interstate agency, which is making great strides and doing a fine job in the Ohio River.

Mr. HARSHA. Would you venture the opinion that this is reliable information?

Mr. WILM. As an opinion, by all means.

Mr. HARSHA. That is all I have, sir.

Mr. McEWEN. Mr. Chairman.

Mr. BLATNIK. Mr. McEwen.

Mr. McEWEN. I just want to compliment Dr. Wilm on the excellent presentation he has made here. I have known him for a number of years. He has worn other hats, Mr. Chairman, particularly as commissioner of conservation in the State of New York.

Dr. Wilm, for the record, I think it might be well to note your particular discipline or specialty, your background before becoming conservation commissioner.

Mr. WILM. Yes. My major specialty has been water resources research and administration for over 30 years.

Mr. McEWEN. Hydrologist?

Mr. WILM. Yes.

Mr. BLATNIK. No further questions?

Thank you very much, Doctor.

(The statement of Harold G. Wilm follows:)

STATEMENT OF HAROLD G. WILM, COMMISSIONER, CONSERVATION
DEPARTMENT, STATE OF NEW YORK

Mr. Chairman, members of the committee, my name is Harold G. Wilm. I am commissioner of the New York State Department of Conservation. Today, however, I am appearing on behalf of the Interstate Conference on Water Problems of which I am chairman.

The Interstate Conference on Water Problems is a national organization of State officials concerned with all phases of water use, conservation, development and administration. The conference includes water pollution control officials because water quality control is an important element in the development, management, and use of our water resources. But it should be pointed out that this statement is made on behalf of an organization whose members deal with and have responsibility for the entire range of State governmental activity with respect to water.

During its relatively few years of existence—the conference was organized in 1958—it has considered such subjects as strengthening State water resources agencies, research and data gathering, recreation, and water pollution abatement. No doubt its most significant work, however, has been in cooperating with the two Committees on Interior and Insular Affairs and with Federal administrative officials in developing the pending Water Resources Planning Act.

Mr. Chairman, we share with this committee, its counterpart in the other body, and the President the conviction that there is need to strengthen the means available to use to insure our having an ample supply of clean water. We, too, are convinced that an important element in a total program to this end is the setting of effective water quality standards. We are concerned, however, that S. 4, H.R. 3988, and related bills do not accord with the President's conception, nor with ours, of what is required. In his recent message to Congress the President wrote in part:

"To improve the quality of our waters will require the fullest cooperation of our State and local governments. Working together, we can and will preserve and increase one of our most valuable natural resources—clean water."

The President referred to "fullest cooperation of our State and local governments" and of our "[W]orking together." This conception is not provided in these bills. Wittingly or unwittingly, they would displace State and local authority and responsibility, not with a cooperative Federal-State arrangement, but with exclusive Federal authority and responsibility.

We cannot believe that this result is intended. The Federal Water Pollution Control Act now declares the role of the States to be primary. No bill before this committee would alter that declaration of congressional policy. Yet the standards-setting sections of the bills we question would do just that. They

would give to one Federal official, the Secretary of Health, Education, and Welfare, the authority to "prepare regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof."

Establishment of water quality standards for particular water areas has the effect of allocating the water by making it more or less attractive for each of a number of possible uses—water supply, bathing, fisheries, shellfish culture, maintenance of wildlife, boating, industrial, agricultural or other use. Frequently different standards of water quality are required for each use. To one official, whose specialty in this area is public health, H.R. 3988, S. 4, and related bills would give the power to determine the uses to which virtually all waters of the United States would be put.

The statutory direction that would be given to the Secretary to consult with the Department of the Interior, other Federal agencies and with State and local governments is not very helpful. At best, consultation would place the consulted parties in an advisory role. The power of decision would be no less in the Secretary of Health, Education, and Welfare, both with respect to the interests and responsibilities of other Federal agencies and the State governments. The point is that these other agencies and governmental units have at least equal interests and responsibilities with the Secretary. Indeed, the President's message makes very much the same point. In that message the President does not say that the standards for water quality must be fixed by the Department of Health, Education, and Welfare. Instead he wisely emphasizes the need for full participation of the States. It is of the essence that the current legislation should implement that policy and not work at cross purposes with it.

Mr. Chairman, this broad grant of authority would effectively displace State, local, and interstate agencies now functioning in the field of water pollution control insofar as water quality standards are concerned. Nor is it sufficient to contend that the Secretary's action shall come only when State standards are inadequate. Article VI, section 2 of the U.S. Constitution makes clear the supremacy of Federal action. If this committee and the Congress intend that Federal action shall be supplemental, this intention must be made explicit in the statute and an appropriate provision tailored to that end.

In giving the Secretary the power to fix standards of allowable water uses in a given area, these bills would place State and local authorities in the unenviable position of having determined for them the value and uses of their waters. They would have no more than an advisory role in determining which of their waters would be employed for water supply, occupational, or recreational purposes. Standards could be set and uses prescribed without reference to plans for local or regional development.

In addition to the possible violence that water quality standards fixed by the Secretary might inflict on local or regional plans, there is another reason for our concern with the approach taken by these bills. Necessarily the Secretary must qualify to set such standards on the basis of his interest in public health. There can be no doubt that considerations of health are important and, with respect to certain waters, controlling. But are there not other Federal agencies that have interests that must be served by the quality of available water? Do not other Federal agencies administer major water programs or provide services for other classes of users? To ignore, as do these bills, the role of State and local governments in matters of water and related land use planning and regulation and the responsibility of other Federal agencies to administer water programs—to depend completely, as do these bills, on the Secretary of Health, Education, and Welfare to set water quality standards is at variance with any concept of comprehensive water resources planning and development with which we are familiar.

Finally, the legal and economic consequences of programs which affect property interests in the right to use water are significant throughout the country, but they are of special sensitivity in the West where water is scarce. In that part of the country, water rights are determined according to an intricate system of priorities established pursuant to State law and administered by the States. Once a western municipality, farmer, businessman, rancher or resort owner has acquired the right to use a given quantity of water, he has always considered that he has a property interest on the basis of which he can proceed to invest his capital. To make the usability of such rights and their very existence subject to a power conferred upon a Federal agency which has no experience in the administration of water rights would be to court the danger of playing havoc with the economy of the West, and with other parts of the Nation as well.

Mr. Chairman, the Federal Water Pollution Control Act also encourages as a matter of policy the use of interstate compacts to abate pollution. Yet H.R. 3988, S. 4, and related bills would establish a competing standard setting authority to Federal-interstate and interstate compacts approved by Congress.

Last year, Mr. Chairman, the Interstate Conference on Water Problems offered certain suggested amendments to this committee in its consideration of the water quality standards provisions of the then pending S. 649. At that time, too, it offered its fullest cooperation in working with the committee to perfect the bill. We should like at this time to reoffer those suggested amendments and assure you again of our desire to cooperate fully with you.

The States, their local governments and the several interstate agencies set up to control pollution all have tremendous stakes in pollution abatement and in the provisions of the legislation you are considering. They are making a major and an increasing effort to improve water quality. State and local governments are spending at a \$1.2 billion annual rate for water pollution control, over and above the \$120 million Federal expenditure. Not everywhere have water quality and effluent standards been developed to the level they should be, but almost everywhere increased efforts to that end are being made. We believe that the Federal Government should encourage and aid the States, their interstate agencies and their local governments. Our suggested amendments are consistent with that belief.

The amendments we suggest recognize that there are areas where water quality standards may be demonstrated to be inadequate. They recognize that there are other Federal agencies, in addition to the Department of Health, Education, and Welfare, with major water responsibilities. They recognize the role of the States in land and water use, health and pollution control, and as regional governments. Finally, they recognize that Congress has already conferred water quality standard setting on certain interstate and Federal-interstate compact agencies.

We urge that the bill reported by this committee contain provisions insuring that the question of the necessity for Federal standards be determined objectively. We urge that such standards be fixed in a way which takes account of the interests of the several classes of water users. We submit, Mr. Chairman, that the amendments we propose would accomplish these purposes.

On behalf of the Interstate Conference on Water Problems, I ask that you consider what we propose. The interstate conference will be happy to work with this committee, as it has with the House and Senate Interior and Insular Affairs Committees in developing the water resources planning legislation. In view of our record of cooperation and of the State interest in water quality, we are certain we can help you fashion legislation that will not do damage to but will enhance the cooperative Federal-State effort to improve the quality of our water.

SUGGESTED AMENDMENTS TO H.R. 3988, S. 4, AND RELATED BILLS, PROPOSED FEDERAL WATER POLLUTION CONTROL ACT OF 1965

Section 10(c) (1) : In order to carry out the policy of this act that Federal action be supplementary to State, interstate, and local action, and that it is to be taken only when non-Federal efforts prove insufficient, the Secretary shall convene a Water Quality Board whenever he believes that the quality of particular interstate waters is such as to warrant the promulgation of a Federal standard or standards therefore. Such Board shall be composed of the Secretary of Health, Education, and Welfare, or his designee, the Secretary of the Interior or his designee, the Secretary of Agriculture or his designee, the Secretary of Commerce or his designee, and the appropriate water pollution control official of each State as designated by the Governor thereof, within which any part of the waters concerned is situated. A representative of any Federal-interstate or interstate water pollution control agency having jurisdiction over the particular waters involved, but not having regulatory jurisdiction as set forth in paragraph (5) of this subsection, shall be entitled to sit as a nonvoting member of the Board.

(2) The Secretary shall submit to the Board convened pursuant to paragraph (1) of this subsection to the standard or standards which he proposes to promulgate for the particular waters involved, together with such supporting information as the Secretary may deem desirable.

(3) In or to determine the appropriateness of the standard or standards submitted by the Secretary, the Board may take such other testimony and make such inquiries as it may deem desirable to ascertain the present condition of the waters involved, the adequacy of their quality for their intended, legitimate purposes, the adequacy of State and interstate standards for such waters, and the need for a Federal standard or standards. The Board may approve, reject, or propose modification in the standard or standards submitted by the Secretary. Action of the Board shall be by affirmative vote of a majority of the Federal members and a majority of the State members, except that where fewer than three States are represented on the Board, action may be by a majority of the Federal members, provided that the Governor of one of the participating States certifies that in his view a Federal standard or standards are necessary for the waters in question.

(4) The Secretary shall promulgate a standard or standards for the waters involved only if the Board determines that present State and interstate standards, if any, for the waters are inadequate, that a Federal standard or standards are necessary, and that the standard or standards proposed by the Secretary are appropriate. If the Board proposes modifications in the standard or standards submitted by the Secretary, any such standard or standards promulgated by him shall contain such modifications.

(5) In furtherance of the policy declared by section 4 of this act that interstate compacts and other cooperative action be encouraged, this subsection shall not apply to any waters over which an agency established pursuant to Federal-interstate or interstate compact or other arrangement to which the Congress has given its consent has jurisdiction if such agency—

(a) Has promulgated a standard or standards of water quality for the waters in question; and

(b) Has power to enforce adherence to such standard or standards by administrative and judicial proceedings.

Mr. BLATNIK. Next witness. Mr. John Kinney, Ann Arbor, Mich., sanitary engineering consultant.

Mr. Kinney, we commend your patience in standing by, prepared to testify. We appreciate your waiting.

STATEMENT OF JOHN E. KINNEY, ANN ARBOR, MICH., SANITARY ENGINEERING CONSULTANT

Mr. KINNEY. Mr. Chairman, may I say I admire the patience of this committee for some of the stories that go on, and your patience in listening to them?

While I have a prepared statement, I would like to use it, if I may, because I think that it will probably offer a better chance to keep from rambling. Sometimes I get wound up and I go on ad nauseum.

Mr. BLATNIK. The statement will appear in the record in its entirety.

Mr. BLATNIK. Mr. Kinney, if you would refer to those sections which are of particular concern or of interest to you, that you feel have not been covered by other testimony, we would appreciate the element of time saved. We are familiar with many of the points you might raise.

Mr. KINNEY. Right.

Mr. Blatnik, I came down last week to make a statement and, after listening to the first 2 days of testimony and your introductory remarks, I threw the statement out the window and started over again: because your opening remarks made it abundantly clear that many of the statements appearing before this committee are written in generalities. They are arguments for and against, but with really little substantive background, or they are in terms that presume a practical knowledge in the field.

I thought maybe it might be better if I were to address myself to some of the real possibilities and some of the things that were going on in the field. With that in mind, I provided or developed this report.

My first point is to the bottom of the first page there, as an illustration of how much is taken for granted. In the first 2 days of hearings, and I have heard nothing to the contrary today, there was much discussion about standards, pros, cons, concerns, judicial review, and other aspects, but no one ever defined what is meant by "standards," what influences them, or how they are measured.

While I would imagine that each witness would consider that he knows what standards are, I would go back to the question, Are we in the position of St. Augustine, who said he knew what time was until he was asked to define it?

A first reaction could be that we were talking about water quality, that we are going to set limits on that quality so that we have clean streams. If standards are exceeded, the river is polluted and construction of treatment facilities is required. This seems to be the normally accepted approach. However, if the stream is a clean stream with no industry or cities, then standards would be used to prevent pollution from occurring. This was the theme in the President's statement; this was the theme of some of your witnesses here. But some of our conservation friends pointed out to this committee that they did not want standards to be used as a license to pollute. In their opinion, if the stream quality is better than the standards, then there should be no permission for discharges which would tend to lessen the quality of the stream, even if the final quality was within the standards.

This concern is a good one. It really deserves consideration, but for a different reason. With as many hundreds of thousands of miles of streams as we have in this country, any Federal agency proposing standards will have to accept an approach that admits easy administration of it, or the job will not be done in a thousand years.

You heard Senator Whitfield tell it took 2 years for each stream in North Carolina to be classified, mile by mile. New York State took 15 years. Under the law, they had to get standards set up before they could move on enforcement.

We are all agreed that industry will not be closed down and cities will not be shut off. But these administration standards, once they are adopted, while it looks like progress at this time, I think the conservationists are going to find themselves boxed in. This will not help anyone.

I assure you—I am not kidding—I assure you I could set standards on any stream in this country which would cause both industry and conservationists to howl, and yet I would be able to defend them in a court with relative ease, and the reason is simple: Our available information on effects of water quality is so contradictory that you can get "authorities" to support any figure you want to propose.

As an administrator under this act, I would have the authority to decide what uses I want, and the final authority to decide the standards. If I am proposing standards which can be documented, what argument can conservationists have that I am arbitrary?

And then this next point, and I think it is most important, that although I would be limited to setting standards on interstate waters, any discharges which tend to reduce these standards would be subject to my authority as administrator.

As was pointed out earlier, with the ocean waters obviously interstate and with the proposed amendment to give special attention to shellfish, I could get standards in the coastal waters. All tributary streams, even though wholly within a State, which affect these standards would be under Federal agency jurisdiction.

The next section of this may sound like an enlarged credit. I am delighted Mr. McClory came this afternoon to tell you what his committee is doing.

I am sorry Mr. Jones is not here, so I could give him a public acknowledgment, but I think what his committee has done in the field of promoting pollution abatement deserves much more recognition than what it has gotten. What he has been able to point out is there are some three dozen Federal agencies intimately concerned with water. Not only is there duplication, which he was pointing up, but each of these agencies have special characteristics that they are concerned with, for their own particular missions.

U.S. Geological Survey has a vast monitoring network to measure flows and water quality, and studies the effects of natural and man-made activities which affect that quality.

The Department of Agriculture has studies by the Soil Conservation Service, the Salinity Laboratory, and the Agricultural Research Service on the effects of land drainage from farming, forestry, and irrigation on the quality of the surface and underground waters, and of the effects of various water qualities on farming, forestry, and irrigation.

The Bureau of Fisheries has extensive studies on effects of water-quality variation on fish propagation and on adapting fishes to the new water-quality environments which result from our growing country.

The Bureau of Mines has a program on determining how variations in mining practice affects water quality.

The Corps of Engineers, the Bureau of Reclamation, and the TVA, have extensive studies of water quality as it affects reservoir construction and operations.

Silt from our lands is our single greatest pollutant, and the studies of movement of the soil from the land, in the streams and deposition behind dams is commanding attention from some of the best minds in the country in these agencies, the Department of Agriculture and the Geological Survey.

The Public Health Service has long been engaged in defining those characteristics of water which affect health of humans. Their success can be measured by our ability to drink water in any city without fear. Sweden is the only other nation which can make this boast. They are now getting into the effects of beneficial constituents in the water.

With these and many other agencies, my questions are these: Who is going to provide the information which will be used to decide what the particular standard will be; and, second, who will provide the data to show whether there is compliance with the standard?

In my opinion, it is very easy to see why Mr. Quigley did not want to answer Mr. Cramer's request for an illustration on how he would establish a standard.

It should be just as easy and just as obvious that the needs of an area must control. Each local area has its own local peculiar conditions and problems. Agreement on the water uses requires reconciling views, but the final decision must reflect local interests.

I attended many of Mr. Jones' committee meetings, and I was delighted with the manner in which he pushed the point of asking individuals what their responsibilities were and what they were doing about them. There were a good many people put on the spot. Federal, State, local officials, industry representatives and club people, each has a role and his objectives seem to be to destroy complacency and apathy, and commend accomplishments.

Now, when Mr. Spisiak was talking a few minutes ago, it sounded as though nothing had been done or was being done. I think the Jones committee hearings have shown, while progress is not as fast as everybody would like to have it, still much is being done and has been done. Much of this Mr. Jones and his committee can take credit for.

The first, as I mentioned here, is they have prodded the Bureau of the Budget to issue an Executive order, which places, in the U.S. Geological Survey, the primary responsibility for establishing and maintaining a national network to measure quantity and quality of our waterways. This will stop the development of duplicate networks by other agencies.

There had been talk about the development of standards for treatment of sewage from ships, but as a result of his committee hearings the groups finally got together to establish some rules and regulations and find out the ships are being built with too little space left to be able to take care of the waste.

They have caused the Federal agencies to work more effectively together, and this is an area which still needs an awful lot of work, but they have helped reduce considerably the amount of interagency friction.

They have caused the Federal agencies that have been doing research to stop publishing their findings in technical journals that a very few people would ever get to find, and put the information out, so that those in the field who need it can find it.

I agree with the gentlemen today, there is still much to be done in that area.

A major contribution has been to activate the Bureau of Mines to get into acid mine drainage. We have had much talk in the past; we have never had any action. For the first time, we are getting some movement in that area.

But they provide a forum where agency representatives, industries, and citizens could tell of their concerns, their needs, and their accomplishments without arguing about specific wording in a bill. And it was remarkable at some of these hearings to find out how much came as a surprise to someone else, people that did not know anything was being done.

But in the area of standards, particularly, there was a good deal of information on how difficult it is to provide an accurate analysis

of water. Competent chemists can come up with different answers, and it is not a slight variation; it can be tenfold on the analysis of some of these things. It is a fantastic range in results, which means that pollution or clean waters will depend on who analyzes the sample.

There are some 14 agencies that publish analytical methods. We are in a big hassle now trying to get them to reconcile those, so we can recommend data and try to have it comparable.

But this group also determined how the quality of water varies in any given river with the season of the year.

And our friends who want natural water standards should realize that this will require sets of standards for each river, depending on the season of the year and the flow in the river. It is going to be a little difficult.

They have also understood that you can have accidents, but if you are going to police accidents, you have to have people who know the people in the area, live there, and have a sense of pride in it.

Those areas wherein they had accidents, they were able to police and shut off; they were doing it because they had effective local area programs.

Mr. Chairman, in my opinion, these accomplishments offer this committee a key to continuing effective pollution abatement. When you ask for a report, you get attention. When you ask for it on specifics, you will get those answers. And no administrative official ever commands such a response.

If this agency, this group, which controls funds, could tie in with Government operations, which can look across the board, I can see no reason in the world why you cannot begin to get action by requiring specific reports on what was being done with the money in special areas.

You would not do it on the basis of threats of enforcement. The report that Mr. Harsha mentioned, the degree of treatment supplied in the Ohio Basin, there has been one threat of enforcement action in the whole area.

I spent 5 years on the commission. I am still very active on the committees. They have done it on the basis of the theme that you have preached in the past. You have got to have a conviction, you have got to believe in it, and you have got to sell it. And this has been the problem, this has been the success, if you will, of the Ohio River Commission.

Now, with that background, I would like to go, for a few minutes, into some of the real problems.

The first that concerns me is this power for subpoena, to administer oaths, to compel testimony and production of any evidence that relates to any matter of investigation under this section, since this includes hearings for standards and conferences, hearings, and court action.

Hearings and court action, incidentally, are already covered by such a force.

The only thing left that this would be directed toward would be the conferences themselves.

There was a conference on the Holston River, Va. and Tenn., and when they did not seem to be able to find an answer, the question was maybe we should have the witness back again and this time put him under oath.

The gentleman, the conferee from Virginia, blew a gasket and wanted to know whether there was any suggestion that they were not getting the truth.

This kind of an approach is not going to sell pollution abatement. It is going to be one more hassle.

I agree with Senator Whitfield: If two lawyers or more go into court, the whole program is going to come to a stop.

It might be of interest to the committee to have a little history on the endeavor of HEW to obtain waste-load data. The original Senate bill a year ago had a provision to establish water quality and waste discharge. The committee was under the impression that standards on discharges had to be provided before standards on stream quality could be established. When they learned it unnecessary—you can set standards on a stream which has no discharges to it—the committee ruled out standards on discharges.

The next move was a move by HEW to send out a form to be mailed out to all industries for data on discharges—the pounds of material in the effluents from the plants. This report would be directly from the companies to the HEW enforcement area. And since it was to be mailed out across the country, it required Bureau of the Budget approval. The Bureau held a hearing on it. The objections that were raised were considered valid. The approval was denied.

The next time waste-load data came to a head was on the Mahoning conference that was mentioned this morning. The conference was called on December 16. The information which caused the Secretary to call the conference was never disclosed. The regional HEW organization was asked to prepare a report to prove pollution and its endangerment to health or welfare in Pennsylvania. HEW visited the State department of health and asked for waste-load data from the companies in Ohio. Under Ohio law, the State cannot release such data unless the companies agree.

HEW did not ask the State to set up a meeting with the companies and discuss their needs, but HEW made a direct request to the industries and asked for the data. The larger companies refused. Both the companies and the State of Ohio argued that HEW, expert on water quality, could analyze the water in Pennsylvania and tell whether there was endangerment to health or welfare.

Ohio has had a monitoring program at various points along the river for the past 2 years, to measure water quality. There is a continuous monitoring line at the State line conducted by the U.S. Geological Survey. All of this data was given to the HEW, but it was not used. HEW wanted only waste-load data as a measure of pollution.

In order to get this waste-load data, HEW sent a letter to Ohio threatening Ohio with loss of Federal grants for pollution control unless the data were turned over to HEW.

Ohio's answer was that this threat of blackmail deserved congressional investigation.

HEW then argued it was outside the scope of Ohio law and should receive it anyhow. The Ohio reply said that it was a crime to break the law and questioned HEW's asking such an action.

Mr. HARSHA. Do you have any verification of this statement here, Mr. Kinney?

Mr. KINNEY. Yes.

It is a serious charge.

I have with me, and these are public documents, they were reviewed by the Ohio Water Pollution Control Board and I obtained them from one of the members. There was discussion. If the chairman desires—

Mr. HARSHA. I wonder if they could be made a part of the record?

Mr. CRAMER. What does the letter indicate?

Will the gentleman yield?

Mr. HARSHA. Sure.

Mr. CRAMER. What does the letter indicate?

Mr. KINNEY. One paragraph from the Federal letter:

We are certain that the State of Ohio wishes to meet the conditions of its State water pollution control program plan.

This is a plan that they refer to earlier as part of their comprehensive program, that the Federal agency shall collect data.

As you know, one of the specific considerations in our approval of the State plan for program grant funds is that the State agency will make available such reports as the Secretary of Health, Education, and Welfare may need to carry out his responsibilities under the Federal Water Pollution Control Act.

He has interpreted that to mean that these reports should be a party to it.

The Ohio answer is that they are required by law to keep such data confidential unless the companies provide the release.

Mr. CRAMER. Where is the following letter? Is there a following letter indicating HEW suggests they cut off water pollution control funds if this demand is not complied with?

Mr. KINNEY. The statement was in here and then the answer to it was:

Your threat of withdrawal of program grant moneys from the Ohio Department of Health probably deserves review by congressional committees which will be considering the future of the Federal water pollution control program.

Mr. CRAMER. What is the date of that letter, and who is it to and who is it from?

The letter you just read.

Mr. KINNEY. The first letter was dated January 4, from the regional health director to the director of health in Ohio. The second letter was dated January 6, in reply, from the health officer in Ohio to the regional health director.

Mr. CRAMER. Who were they? What are their names?

Mr. KINNEY. The health director in Ohio was Dr. Arnold; the regional director, Dr. Mangum.

Mr. CRAMER. What is the date of the letter?

Mr. KINNEY. January 6.

Then there was another letter after that that I do not have, in which they say they are outside the scope. But I do have the answer of January 27, in which they review for them what the Ohio law is why their people cannot release such data.

Mr. CRAMER. Do I understand that it is suggested by the HEW representative that the provision of this information by the State was required by HEW regulations, regardless of the fact it was against the law of the State to so provide, and suggested the power

of HEW was to cut off funds if their regulations were not conformed to, relating to this pollution question? The funds relating to the sewage disposal plant construction money?

Mr. KINNEY. No. One-half of the State program in the State of Ohio is grant money from HEW under the program of assisting the States in their program.

The Ohio State pollution control program runs around \$400,000 a year; one-half of it is Federal grants.

Mr. McCARTHY. Mr. Chairman.

Mr. BLATNIK. Mr. McCarthy.

Mr. McCARTHY. I do not understand, where is the threat of blackmail? That was not clear to me.

You made a very serious charge.

Mr. KINNEY. Right.

Mr. McCARTHY. Could you explain where is the threat of blackmail?

Mr. KINNEY. You take one-half of the funds away from a State program and what will happen to it?

Mr. McCARTHY. Could you read it there in the letter? The threat of blackmail to which you refer.

Mr. KINNEY. Right. I read to you the statement from the Department in which they make the reference that unless the reports that they feel necessary are submitted, that they are reviewing the funds, the grant funds by which they would be supplying them for the States.

Now, to get data, HEW personnel visited the State offices and asked for the data. They were told they could not release it without company approval.

The HEW representatives did not ask to meet with the companies in the State to get this straightened out. The next thing they got was a note saying that, "unless we can receive these reports, we are considering them tantamount to not complying with the requirements." Wherein, the requirement is that the State shall supply such reports as the Secretary deems necessary.

Mr. McCARTHY. Could you read that part again, please, to which you are specifically referring now? The threat of blackmail.

Mr. KINNEY. The statement of blackmail is my interpretation of what has been done here.

Mr. McCARTHY. I see.

Mr. BLATNIK. In other words, Mr. Kinney, that is your word and your interpretation?

Mr. KINNEY. Right. What I am saying is they will pull out one-half of the program if they do not supply something for which they are forbidden by law. And I am sure this is not what this committee wants to be going on. I am sure it is not the intent of this committee to promote that kind of thing.

Mr. CRAMER. Does the gentleman yield further?

Mr. HARSHA. Just one minute. I want to ask the witness a question.

The statement you refer to from the Department of HEW contained in the letter of January 4, 1965—

Mr. KINNEY. Right.

Mr. HARSHA (continuing). To Dr. Arnold, director of health, Ohio Department of Health, signed by Clarke W. Mangun, Jr., regional

health director, reads as follows—this is the last paragraph of his letter, I believe:

We are certain that the State of Ohio wishes to meet the conditions of its State water pollution control program plan. As you know, one of the specific considerations in our approval of the State plan for program grant funds is that the State agency will make available such reports as the Secretary of Health, Education, and Welfare may need to carry out his responsibilities under the Federal Water Pollution Control Act.

That is the part of the letter that you refer to, and I believe that Dr. Arnold referred to, as being a threat of withdrawal of program grant moneys in his subsequent letter is it not?

Mr. KINNEY. Right. I did not realize that there were copies all over. But I do know it was raised at the Ohio conference. There was discussion at the Ohio conference—not with HEW—on the Mahoning up there, there was very great concern raised by two of the members of the Ohio Pollution Control Board who were at that meeting: Barton Hall, who is one of the members, and Dr. Arnold is the other.

Mr. HARSHA. Mr. Chairman, I have a photostatic copy of that letter and photostatic copy of the answer of the State of Ohio, and I would like to offer them for the record at this point, to clarify.

Mr. BLATNIK. May I see it?

Mr. HARSHA. Certainly.

(Letters referred to follow:)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
REGIONAL OFFICE,

Chicago, Ill., January 4, 1965.

E. W. ARNOLD, M.D.,

Director of Health, Ohio Department of Health,
Columbus, Ohio.

DEAR DR. ARNOLD: The Public Health Service is now in the midst of completing detailed preparations for the forthcoming February 16, 1965, interstate enforcement conference on the Mahoning River.

As a part of these preparations, we are most anxious to obtain and evaluate any basic data or other information pertinent to the enforcement area. It is our desire to have the most successful conference possible. Toward this end, Public Health Service representatives have attempted to obtain meaningful data and information from the Ohio water pollution control agency, but have so far met with limited success.

Several times during 1962 and at least once during the early part of 1963, quantitative estimates of industrial discharges were requested. Most recently, on December 29, 1964, our Mr. Todd Cayer requested raw stream monitoring data and quantitative and qualitative industrial outfall data. On December 30, 1964, it is our understanding that Mr. Hayse Black, of the sanitary engineering center, requested the addresses of industries, among other information, in the enforcement area. None of the above requests was fulfilled by your agency.

We are certain that the State of Ohio wishes to meet the conditions of its State water pollution control program plan. As you know, one of the specific considerations in our approval of the State plan for program grant funds is that the State agency will make available such reports as the Secretary of Health, Education, and Welfare may need to carry out his responsibilities under the Federal Water Pollution Control Act.

In view of the proximity of the conference, your early reply and cooperation in furnishing the necessary information is most important to insure a successful conference.

Sincerely yours,

CLARKE W. MANGUN, Jr., M.D.,
Regional Health Director.

STATE OF OHIO DEPARTMENT OF HEALTH,
Columbus, Ohio, January 6, 1965.

CLARKE W. MANGUN, Jr., M.D.,
Regional Health Director, Public Health Service,
Department of Health, Education, and Welfare, Chicago, Ill.

DEAR DR. MANGUN: Your letter of January 4 with respect to the proposed conference on the Mahoning River is most confusing and disturbing.

Your threat of withdrawal of program grant moneys from the Ohio Department of Health probably deserves review by congressional committees which will be considering the future of the Federal water pollution control program.

The calling of an enforcement conference by the Secretary of Health, Education, and Welfare implies under the law that he has sufficient reports, surveys, and studies to justify calling such a conference. Now that it has been called, we cannot understand why you are trying to gather such information at this late date.

Our department has regularly supplied the Public Health Service with required and necessary information about the water pollution control program in Ohio. We shall continue to do this.

The Secretary of HEW called the February 16 conference on short notice and without consulting us (as proposed in the Federal law). Therefore, at the present time, our staff is heavily occupied in preparing materials for the conference. We hope to have this information ready by the conference date on February 16. This is an extra burden on our staff.

The Public Health Service has requested certain information on industrial effluents which our department cannot reveal under Ohio law. We have supplied and will continue to supply information on stream conditions, which, after all, is the real goal of a water pollution control program.

We shall continue to cooperate with the Public Health Service under the laws of Ohio and within the requirements of Federal laws.

Sincerely yours,

E. W. ARNOLD, M.D., *Director of Health.*

STATE OF OHIO, DEPARTMENT OF HEALTH,
Columbus, Ohio, January 27, 1965.

CLARKE W. MANGUN, M.D.,
Regional Health Director, Public Health Service, Department of Health, Education, and Welfare, Chicago, Ill.
(Attention of Mr. H. W. Poston).

DEAR DR. MANGUN: Your letter of January 18, 1965, to E. W. Arnold, M.D., director of health, has been referred to this office for consideration and reply.

Thank you for commending this department on the operation of the stream monitoring stations which we have in operation on the Mahoning River. This is but one example of the continuing interest and activity of the State of Ohio with regard to water pollution abatement and control in the Mahoning River Basin.

In your letter you state that you do not believe an agency of the Federal Government is included in the term "public" as used in the last sentence of 6111.05 of the revised code, which provides as follows:

"The board may make copies of such records, but if such records pertain to a private disposal system, such copies may not be made available to the public without express permission of the owner."

You are, of course, entitled to your opinion with regard to this matter but as has been stated previously we must disagree. The obvious intent and purpose of this provision of law is to make such records confidential for the exclusive use of the Ohio Water Pollution Control Board and its authorized representatives in the administration and enforcement of Ohio's water pollution control law (secs. 6111.01 to 6111.08, inclusive, of the revised code).

In good conscience I could not suggest that any such records be released to the Federal Government or any other agency of Government in view of the very serious consequences which could ensue as a result of such action. Section 6111.07 of the revised code provides in pertinent part as follows:

"(A) No person shall violate or fail to perform any duty imposed by, sections 6111.01 to 6111.08, inclusive, of the revised code, or violate any order of the water pollution control board promulgated pursuant to such sections." * * *

Section 6111.99 of the revised code provides in pertinent part as follows:

"(A) Whoever violates division (A) of section 6111.07 of the revised code shall be fined not more than \$500 or imprisoned not more than 1 year, or both."

A review of the foregoing sections readily shows that any person releasing such information would be subject to prosecution for the commission of a crime with a possible fine of \$500 and imprisonment for 1 year. The persistent requests of representatives of your department to employees of this department to release any such records which we may have is tantamount, in my opinion, to requesting the commission of a crime, albeit unwittingly.

In your letter you request that the Ohio Water Pollution Control Board obtain permission for review of effluent data by your representatives of specified industries in the Warren-Youngstown, Ohio, area. Since it is your department which is interested in reviewing any records we may have in this regard, may I suggest that you obtain permission from the owners of these companies. Upon presentation of proper authorization from the owners of these companies we will be most happy to make any and all records in our possession pertaining to such companies available to you for inspection and review.

Sincerely yours,

GEORGE COMPSON,
Chief, Division of Legal Services.

Mr. CRAMER. Will the gentleman yield while the chairman is examining the documents?

Mr. HARSHA. Yes.

Mr. CRAMER. Certainly the State of Ohio, as I read the letter of January 6, from Ohio to Mr. Mangun, regional health director, Public Health Service, it clearly shows the State of Ohio interpreted it as a threat and withdrawal. They said, in the second paragraph, referring to their letter of January 4:

Your threat of withdrawal of program grant moneys from the Ohio Department of Health probably deserves review by congressional committees which will be considering the future of the Federal water pollution control program.

So the message got through to the State of Ohio authorities, to the effect they considered it a threat of withdrawal. And the paragraph referred to in the January 4 letter, read by the gentleman from Ohio, could hardly be called anything less than a veiled threat: Either come up with this evidence, even though it is against the State laws to do so, or we will consider cutting off your funds.

It was so interpreted by the State.

Mr. KINNEY. Mr. Chairman.

Mr. CRAMER. Is that the effect of your testimony?

Mr. KINNEY. Mr. Chairman, off the record, please.

Mr. BLATNIK. Off the record.

(Discussion off the record.)

Mr. HARSHA. Mr. Chairman, I would like to offer this suggestion: the staff investigate this situation and report back to this committee on it.

Mr. BLATNIK. This is the first time we have received any details. We will look into this matter.

Mr. KINNEY. Thank you.

Mr. HARSHA. Both from HEW and the State of Ohio.

Mr. KINNEY. Thank you.

Mr. BLATNIK. Mr. Kinney, would you read your statement? I would like you to summarize key parts of your statement. You obviously elaborate on it as you go on, subject to interrogation any members wish, but in the interest of saving time.

Mr. KINNEY. Right.

Mr. SCHMIDHAUSER. Sorry to interrupt. I would like to ask the chairman, as a practical matter on procedure in the committee, this

gentleman, of course, has raised a very serious question, which I think all of us should consider carefully on the merits.

I find it a little difficult to consider it on the merits without having the same documentary evidence before me that apparently some of the minority members have.

I am not saying this critically, but I would suggest, if possible, we can get copies in advance.

Thank you very much.

Mr. CRAMER. I just got it myself.

Mr. BLATNIK. The minority just got it a few minutes ago.

Mr. HARSHA. I wonder if the gentleman ruled on my request to have it as a part of the record?

Mr. BLATNIK. No. Counsel is looking it over. That is the usual practice.

Will you continue?

Mr. KINNEY. I would like to mention—off the record, again.

(Discussion off the record.)

Mr. McEWEN. May it be noted on the record not all the minority members had copies. [Laughter.]

Mr. BLATNIK. Very proper observation.

Mr. Kinney, on the record, will you please state—

Mr. HARSHA. I will get a copy for everybody.

Mr. KINNEY. Mr. Chairman, on page 11, I have offered two suggestions that I am sure you can expect. The first is tied to diagrams, flow diagrams of plant operations. One of the key means of developing a waste control program in a plant is to determine the sources of waste, the possibility of changing plant operations so as to minimize the waste, and as a guide for that past publications of PHS have shown generalized diagrams. Each plant has its own variation. This is now its own production picture.

There could very easily be a request from a company to give the detailed flow diagram from the plant with a material balance connected with it.

There is an argument that they need that to evaluate the accuracy of the waste load data reported. I am sure that this is not within the realm of the committee's thinking, but from the wording of the bill, it could be very easily construed.

I say that because as a consulting engineer working for a company, my first approach is to review their program, their outline, their details, so I know what I am looking for. It could be easily argued by any administrator that he would need it.

And the second is if they are going to measure pollution by waste-load discharges, if a company collects that kind of information and then is going to be subpoenaed, and the limit of the results is going to be waste-load data, and we have the indication from this Mahoning report this could well be it, since they have not used any of this stream data, then I fully expect the companies will stop collecting data.

If we do not have that kind of control over waste discharges, we are not going to have control over planning operations and we are going to be back to slugs, this kind of trouble.

Mr. CRAMER. If I get your point, if they are going to be able to subpoena records relating to pollution, then your approach is, your analysis is that the results are going to be that the companies are not

going to keep any more records than they have to? They are certainly not going to prove themselves polluters?

Mr. KINNEY. Particularly at a stage where it is a conference level. If there is supposed to be a conference and you need a subpoena to pull the thing together and you are saying the State programs are for the birds, and you are also calling everybody who submits anything a liar unless they have proof otherwise—at the Mahoning conference this question of what are your waste-load data was brought up; each company, will you supply it for the record? I understand that Mr. Doolittle, who presented the story for the steel companies, submitted a letter to this committee, for the record, as to why he refused the HEW conferee his request for waste-load data. And I strongly urge that you consider it.

Mr. CRAMER. May I ask one more question, Mr. Chairman?

Mr. BLATNIK. Mr. Cramer.

Mr. CRAMER. But due to the lateness of the hour, I would like to ask the question that I asked the other witnesses, and I never feel I got sufficiently illustrative answers to know what the thrust of this standard-setting power will be.

Would you give me, in view of your experience with HEW and so forth, and their setting of standards, what do you think will be some of the criteria that would be included in the standards set?

Mr. KINNEY. I heard one on the Mahoning, where they are proposing as a result of the HEW conferee—this was not the chairman, this was the HEW conferee from Chicago, who proposed that there should be complete treatment of all sewage on the river. The recommendation in the report is that there should be five parts per million of DO. This is for a river, and in an area—

Mr. CRAMER. DO?

Mr. KINNEY. Dissolved oxygen.

This is in a river where you have steel companies on both sides, both banks, from Warren up to Niles, up to Youngstown. You could not get in there to fish if you wanted to.

Mr. CRAMER. That is the same standard that was proposed in the court case you heard something about, about an hour or so ago?

Mr. KINNEY. Right. The State has a limit of four parts for fishing streams, but the HEW report suggested five. The fifth can mean an awful lot of money.

Mr. CRAMER. In other words, as I understand it, HEW then would have to make the first determination that this should be a "fishing stream"? Therefore, it should have five parts per million? Then another stream, they will say this stream or this part of it, the primary use of it should be perhaps industrial development; therefore, fishing is a secondary consideration?

Mr. KINNEY. You cannot set standards until you have an objective in mind. So what this standards section does is give the Secretary authority to decide the use.

Mr. CRAMER. That is the point I am getting at.

Mr. KINNEY. And this is a potent authority.

Mr. CRAMER. You cannot realistically set standards unless you take into consideration not only present use, but prospective use, future use?

Mr. KINNEY. You cannot see them actually or even decide the uses until you can determine what the benefits would be for different levels of quality, what it will cost to meet it and what your resultant benefits will be. If you can do that—

Mr. CRAMER. Let's assume we have a stream, 2 miles down the stream they want to put a beach in, a long-range objective. What would be the standard requirements for that? How many parts per million?

Mr. KINNEY. Actually you can swim in well water, and it has no oxygen whatsoever.

Mr. Spisiak's words to the contrary, well water will not harm you but well water has no dissolved oxygen in it.

His criteria, fish had to live in it before humans could drink it, is a little off. You could drink well water without it.

Mr. CRAMER. Water used for swimming does not necessarily have to meet the same standard as water used for fishing?

Mr. KINNEY. Right. But water used for swimming would need a health interpretation in terms of the amount of bacterial counts, what-have-you.

This is why, for any given stream or reach of streams, you have a variety of conditions, whether or not you even have an interference with it.

Mr. CRAMER. In determining these standards for different types of uses, the Federal Government would have to go into different areas, set up these hearings, this nominal hearing process, in each area of use throughout the country; is that right?

Mr. KINNEY. Right.

Mr. CRAMER. How long do you think such a program will take? How much time? How many people are we talking about?

This is going to be a tremendous bureaucracy to actually do that, is it not?

Mr. KINNEY. Actually I could see no hope for it until I heard Mr. Quigley the other day saying the administration would be providing a recommendation that the Secretary could do this without a hearing.

If he has to do it through a public hearing, you can expect everything to stop for one whale of a long time. He is going to have to have complete discretionary authority in order to do it in something less than 10 years.

Now, if it is going to actually reflect the area, if it is going to provide a basis by which you can appeal his decision, he is going to have to have a hearing on which you can—and when you get into that, you are not going to help this program.

Now, this standards section—and Mr. Kee's soundoff that this is a good guide, they have something to look forward to; they should know where they are going. In theory, this sounds fine. In practices, you are going to bring everything to a dead stop.

You have got too much credit to this House committee for pollution abatement. Your fruits are just beginning to come in. It has taken a long time to wind up for the pitch. I hate like Sam Hill to see something goofed up, just because something over on the Senate side—well, it sounds like the proper thing to do.

This may sound good over there, the ideals may sound fine, but the connection, the effect—and I have used in here, Mr. Blatnik, an area right up in your own land.

Mr. BLATNIK. Before we get to that, now, shall we proceed in a little more orderly fashion?

On the gentleman's request, without objection, so ordered, at that point where you made the request.

Will you proceed at the bottom of page 11 and read the testimony until you get through with it?

Mr. KINNEY. I think this actually is one of the finest illustrations that I know of, to determine the difference between pollution occurring in the stream, and pollution measured by a discharge.

The taconite mining operation up there along the lake, I am well acquainted with. If pollution is any discharge, this exemplifies gross pollution. If pollution is the resulting water quality, the story is entirely different.

I am using this as an illustration to say if we are going to start measuring waste and set a program up on that basis, it considers not at all economic and social needs of any area.

Mr. BLATNIK. I know this taconite very well. I happen to be the author of the original program back in 1941. It was adopted by an overwhelming vote in a statewide referendum to the constituents last fall.

It is speculated whether pollution is any discharge, if so, then boys throwing pebbles into the pond will pollute that pond. We are getting in the superstratosphere.

Mr. KINNEY. I could well use that example.

Mr. BLATNIK. A reasonable determination of pollution?

Mr. KINNEY. Right. Within the law, you have nothing for that. It is total discretionary authority. It is more authority than the President of the United States has got.

Mr. BLATNIK. Mr. Kinney, the provisions in the bill are too vague and the discretionary powers given to the proposed administrator would be without any limits; is that right?

Mr. KINNEY. Right. The same thing when it comes to your dams that you built for your power. Most of them, in the older days, they do not do it any more, but the older ones, they took the water from the bottom. It is devoid of oxygen.

Actually it is the same condition as dying Lake Erie mentioned before. We go below a thermal plane. They draw from below. They have no dissolved oxygen.

If I wanted to set a standard below that dam, there would be a limit as to how much water you could draw, how much power you could develop.

This I do not think is the intent of the Congress or the people. We are out to provide most effective water use for all people.

I bring these illustrations in, Mr. Chairman, simply to put them in before you, so that there is no embarrassment, either to this committee or to the President, in accomplishing what he is looking for.

Mr. BLATNIK. Does that complete your statement?

Mr. Kinney, we thank you very much. You covered a wide range of this broad and complex problem. It has been of interest to the committee.

Do you have any questions?

Mr. HARSHA. Mr. Chairman.

Mr. BLATNIK. Mr. Harsha.

Mr. HARSHA. I have two.

Mr. Kinney, I notice on page 6, you mentioned that accurate analysis of water is not easy in that competent chemists can get different answers when analyzing the same sample. If there much difference in their results when they come to different conclusions?

Mr. KINNEY. I have seen ranges on the same sample vary all the way from 26 parts to 260 parts. And these were trained, competent chemists.

Why, many chemists have their own variations on the theme. Some use shortcuts. Others do not appreciate there may be an interference in the sample and take allowance for that. We have different analytical methods put out by different agencies. It depends on which method you use as to what answer you get.

One of the biggest things the Jones committee has done is put emphasis to coordinate that. The U.S. Geological Survey has been doing much work, teaming it out, checking out their own people.

Mr. HARSHA. I see. The other day, the gentleman from Alabama, Congressman Jones, brought up this question, the point that many of these Federal agencies, different ones—and you alluded to it, too, in your statement—are conducting an analysis of this situation. You pointed out that the Bureau of the Budget issues an executive order, Circular No. 867, which places in the U.S. Geological Survey the primary responsibility for establishing and maintaining a national network to measure quantity and quality. This will stop the development of duplicate networks by other agencies.

I wonder if you have a copy of that Bureau of the Budget circular?

Mr. KINNEY. I have, if you would be interested in it.

No, I think that this has been a very effective piece of information.

Mr. Chairman, it just fell out here—you mentioned Orsanco before. I brought this along but promptly forgot about it.

Orsanco, a few years ago, developed a statement of policy on industrial waste application. The philosophy that they had developed in there has been the reason that there has been the accomplishment that you referred to in that report.

I would like to offer this to the committee as something that you could well look at that would offer a guideline on policies that this Congress might consider.

I would urge again that if this committee, instead of trying to change mistakes or activate people with the law, would do more specific requesting of actual reports—and I would imagine Mr. Jones could give you some excellent guides as to who should be contacted and what should be requested—you can do more to activate this program than you can by arguing as to whether or not we are with the law or are not.

The guideline that is in here sold the program. I would commend it to your consideration.

Mr. HARSHA. I want to ask—

Mr. BLATNIK. Do we have a copy available? I would like to see it.

Mr. KINNEY. Surely.

Mr. HARSHA. I wonder if we could have a copy of the Bureau of the Budget report?

Mr. KINNEY. I have both of them here.

Mr. HARSHA. Make that a part of the record, Mr. Chairman, would you? Could we have it in the file?

Mr. BLATNIK. Yes.

Mr. HARSHA. Fine.

One other question: You say that you are familiar with Orsanco?

Mr. KINNEY. Yes, sir.

Mr. HARSHA. Have you served with it in any capacity?

Mr. KINNEY. I was on the Orsanco staff for the first 5 years that it was there. My job was to coordinate industrial committees and get them working.

Mr. HARSHA. Now, have you read the 1964 report of Orsanco?

Mr. KINNEY. I have read most of it.

Mr. HARSHA. In there, they point out, they make a statement, and I wonder if you can attest to its authenticity? The report says:

Today, 99 percent of the sewage emanating from communities along the 1,000 miles of the Ohio River is piped into purification plants.

Is that an accurate statement?

Mr. KINNEY. With one exception; the river is 981 miles instead of 1,000; but the rest of it is accurate.

[Laughter.]

Mr. HARSHA. I wondered if there was that much deviation in the rest?

Well, the statement goes on to say that—

Today there are more than 1,700 industrial establishments whose effluents are discharged directly into the streams of the Ohio Valley district. Today 90 percent are recorded as complying at least with minimum interstate requirements and some are rated as doing even better.

Is that an accurate statement?

Mr. KINNEY. That is correct. And again, this offers another concept of what are standards.

The last page of that Orsanco report that I gave you has what they call the minimum standards that they have adopted. They are not set in terms of figures, but they are set in terms of what they want to get rid of, the sites of the gross pollution that you have been looking for.

Once that is done, then they come back for tailored requirements. They then hold a hearing on the stream to determine specifically what are the uses and what actual water quality do you need.

The minimum requirements they are saying in there is to keep away from floating oils, greases, debris, that kind of material. They gave them this as a guide that everybody could shoot at.

Then we go back to the second stage, now, do you have enough oxygen for the use or do you have pH proper? This kind of thing.

Mr. HARSHA. Are they continuing to work on the basis of the second stage also?

Mr. KINNEY. Yes, they have held the detailed hearings. They have held the tailored hearings for the full length of the main stem of the Ohio. They are now starting on the tributaries that lead into the Ohio for these tailored requirements, as to what they need.

Mr. HARSHA. Now, do you know of any other areas, other than the Orsanco area, in which this pollution problem is being met or being resolved?

Mr. KINNEY. Virginia, North Carolina, Tennessee, are outside that range, but Connecticut, Massachusetts—our problem, Mr. Harsha, is one of determining how fast. In some people's opinion, it is never fast enough.

When you take a look at the streams back 10 years ago, practically all of them open sewers, and take a look at what has been accomplished since then, you can see progress. You can still find the sore spots in any area.

What I do not want to see is something to come into this deal, such as this standards section. I am not at liberty to give the names, but I do know that some of the States already are saying if this is going to be it, then we stop until the Federal Government holds the hearing and decides the standards.

As an illustration that this is real, when the cities in the State of Ohio, at the Mahoning conference, told how they built 13 sewage plants, 90 percent of the program had been completed. Ten years ago, you measured the moisture content of the Mahoning; you did not measure for pollution, you measured for water. Now they are reaching the stage where, this year, the last sewage treatment plant will go into operation and the HEW conferee—and it could be just as easily the Secretary with this kind of discretionary authority—told the group: We are real proud about what you are doing; it was not enough.

Mr. BLATNIK. Thank you very much, Mr. Kinney.

(The statement of John E. Kinney follows:)

TESTIMONY OF JOHN E. KINNEY, SANITARY ENGINEERING CONSULTANT,
ANN ARBOR, MICH.

Mr. Chairman and members of the committee, my name is John E. Kinney. I am a self-employed sanitary engineering consultant from Ann Arbor, Mich. My life's work and goal are clean streams and effective water management.

Your Public Works Committee has the same objectives but your committee also has many other areas of interest equally important in making this Nation strong, productive, and a citadel of safety and comfort.

The simple fact that there are just so many hours in a day limits the amount of time you have to get into the nuts-and-bolts aspect of any one of these projects. These hearings are intended to provide you with some of that flavor.

But, in my opinion, too many of us who appear offer you little real help. Mr. Blatnik's opening remarks made that abundantly clear and, I am sorry to say, I have been too close to the woods to appreciate it until his words acted as a revelation. I agree with him that the record is full of arguments for and against the bills but most of it in platitudinous generalities or in reports which presume a practical experience in the field.

How much is taken for granted can be illustrated simply. In the first 2 days of hearings there was much discussion about standards—pros, cons, concerns, judicial review, and other aspects—but no one ever defined what is meant by standards, what influences them, or how they are measured.

I am certain that each witness would consider he knows what standards are and I would imagine the members of the committee would also. But are we in the position of St. Augustine who said he knew what time was until he was asked to define it?

A first reaction could be that we are talking about water quality—that we are going to set limits on that quality so that we have clean streams. If standards are exceeded, the river is polluted and construction of treatment facilities is required.

However, if the stream is a clean stream with no industry or cities, then standards would be used to prevent pollution from occurring. But some of our conversation friends pointed out to this committee that they did not want standards to be used as a license to pollute. In their opinion if the stream quality is better than the standards, then there should be no permission for discharges which would tend to lessen the quality of the stream, even if the final quality was within the standards.

This would be comparable to traffic on a new interstate highway with a speed limit of 70 miles per hour. If a car enters the highway at 40 miles per hour it should never be allowed to exceed the 40 miles per hour.

However, their concern is a good one and deserves real consideration but for a different reason. With as many hundreds of thousands of miles of streams as we have in this country, any Federal agency proposing standards will have to accept an approach that admits easy administration or the job won't be done in a thousand years. This committee heard Senator Whitfield tell how it took 2 years for each stream in North Carolina with a mile-by-mile study before standards could be adopted.

Since there is general agreement that all industry can't be closed down and the discharges from all cities shut off, the general standards which will be adopted will be compromises and the conservationists will find themselves boxed in.

Gentlemen, I assure you I could set standards on any stream in this country which would cause both industry and conservationists to howl, and yet I would be able to defend them in a court with relative ease. The reason is simple. Our available information on effects of water quality is so contradictory that you can get "authorities" to support almost any figure you want to propose. As an administrator under this act I would have the authority to decide what uses I want and the final authority to decide the standards. If I am proposing standards which can be documented, what argument can conservationists have that I am arbitrary?

Although I would be limited to setting standards on interstate waters, any discharges which tend to reduce these standards would be subject to my authority as administrator. With the ocean waters obviously interstate and with the proposed amendment to give special attention to shellfish, I could set standards in the coastal waters. All tributary streams, even though wholly within a State, which affect these standards would be under Federal agency jurisdiction.

THE JONES SUBCOMMITTEE HEARINGS

During the last session of Congress the House Government Operations Subcommittee on Natural Resources, chaired by Mr. Robert Jones, held extensive hearings on water.

By considering all aspects of water management, Mr. Jones gave us a picture of pollution abatement in its proper perspective.

There are some three dozen Federal agencies intimately concerned with water. His questioning of these agencies graphically demonstrated not only areas of duplication but more especially that we have many Federal and State agencies measuring special characteristics of water peculiar to their individual missions.

The U.S. Geological Survey has a vast monitoring network to measure flows and water quality and studies the effects of natural and manmade activities which affect that quality.

The Department of Agriculture has studies by the Soil Conservation Service, the Salinity Laboratory, and the Agricultural Research Service on the effects of land drainage from farming, forestry, and irrigation on the quality of the surface and underground waters and of the effects of various water qualities on farming, forestry, and irrigation.

The Bureau of Fisheries has extensive studies on effects of water quality variation on fish propagation and on adapting fishes to the new water quality environments which result from our growing country.

The Bureau of Mines has a program on determining how variations in mining practice affects water quality.

The Corps of Engineers, the Bureau of Reclamation, and the TVA have extensive studies on water quality as it affects reservoir construction and operations. Silt from our lands is our single greatest pollutant and the studies of movement of the soil from the land, in the streams and deposition behind dams is commanding attention from some of the best minds in the country in these agencies, the Department of Agriculture, and the Geological Survey.

The Public Health Service has long been engaged in defining those characteristics of water which affect health of humans. Their success can be measured by our ability to drink water in any city without fear. Sweden is the only other nation which can make this boast. The Public Health Service is just now getting into the study of the trace elements which have a beneficial effect on humans.

With these and other agencies measuring water quality, who is going to (1) provide the information which will be used to decide what the particular standard will be, and (2) who will provide the data to show whether there is compliance with the standard?

It is easy to see why Mr. Quigley did not want to answer Mr. Cramer's request for an illustration on how he would establish a standard.

It should be obvious that the needs of an area must control. Each local area has its peculiar problems. Agreement on the water uses requires reconciling views but the final decision must reflect local interests.

The Nation, as well as those of us engaged in water management, owe immeasurable thanks to Mr. Jones and his subcommittee for what they have accomplished. And all of it bears on the question of standards.

In each of the field hearings of his subcommittee the problems of that particular area were detailed. So were the approaches being taken to solve those problems. The degrees of success varied but so did the needs.

In the hearings of Mr. Jones' subcommittee the detailed questioning of those who have a responsibility in affecting water—quality and quantity—put a good many persons on the spot. This included Federal, State, and local officials, industry representatives, and club members. Each has a role. Mr. Jones destroyed complacency and apathy while commending accomplishment.

With this detailed, intimate knowledge of the problem, I don't believe Mr. Jones and his small group have recommended that a Federal agency have authority to set standards, but they have effected real accomplishments, for they have—

- (1) Caused the Bureau of the Budget to issue an Executive order, Circular No. A-67, which places in the U.S. Geological Survey the primary responsibility for establishing and maintaining a national network to measure quantity and quality of our waterways. This will stop the development of duplicate networks by other agencies.

- (2) Caused the Federal agencies and builders of ships to finally develop requirements for treating sewage from ships, including those owned by the U.S. Government.

- (3) Caused the Federal agencies to work more effectively together so that their individual agency expertise can be combined for the Nation's benefit. There is still much to be done in this field but the progress in reducing interagency friction has been marked.

- (4) Caused those Federal agencies doing research to make results of their research more widely known and available.

- (5) Caused the Federal agencies to really start a program of providing waste treatment facilities by putting the spotlight on them.

- (6) Caused the Federal installations to realize they must comply with State programs of pollution abatement.

- (7) Caused the Department of Interior, and particularly the Bureau of Mines, to get to work on acid mine drainage, not just talk about it.

- (8) Created a forum where agency representatives, industries, and citizens could tell of their concerns, their needs, and their accomplishments without arguing about specific wording in a bill. This frank and public exchange has done much to educate the other fellow on what is happening.

- (9) Provided a means of comparing accomplishment in the different areas of the country and what motivated that accomplishment. Local areas can and have solved their problems.

- (10) Revealed the fact that accurate analysis of water is not easy and that competent chemists can get different answers when analyzing the same sample.

- (11) Developed the information on how quality of water varies in any given river with the season of the year. Those who want "natural water" standards should realize that this would require sets of standards for each river, depending on the season of the year and the flow in the stream. The water quality in very dry years differs from near flood stage quality.

- (12) Developed an understanding of how accidents can occur in an industry or in a municipal sewage treatment plant and the resultant dis-

charge can affect water quality for miles. The subcommittee also learned that policing of such events requires individuals who belong to the area, live in it and know the people if the policing is to be effective. Federal agents subject to transfer seldom qualify.

These accomplishments offer this committee the key to continuing effective pollution abatement. When Congress asks for a report on specific problems or on progress, it gets attention. No administrative official commands such a response.

The Government Operations Committee can consider interagency effectiveness. The Public Works Committee has the control of funds for projects which affect water quality. Together, by requiring reports on specifics, your committees can gain your mutual objective.

SUBPENA POWER

With this background, let me discuss three sections of H.R. 3988 with some specific illustrations. You draw the conclusion whether these provide the desire of Congress. If there is doubt, now is the time to provide the wording to get what you want.

H.R. 3988 provides in section 5(e)(i) the power to the Secretary or his designee to administer oaths and to compel testimony and "production of any evidence that relates to any matter under investigation under the section."

This includes hearings for standards, conferences, hearings, and court action. Since both hearings and court actions are already covered, the intent is to cover conferences.

In the Senate hearings last session there was in the proposed bill authority to set standards on stream quality and standards on discharges. The committee was under the impression that standards on discharges had to be provided before standards on stream quality could be established. When they learned it unnecessary—you can set standards on a stream which has no discharges to it—the committee ruled out standards on discharges.

Then HEW drafted a form to be mailed out to all industries for data on discharges—the pounds of material in the effluents from the plants. This required Bureau of the Budget approval and the Bureau held a hearing on it. There were objections considered valid by the Bureau and approval was denied.

The Secretary of HEW called a conference on the Mahoning River on the subject of pollution from Ohio into Pennsylvania. The conference was called December 16. The information which caused the Secretary to call the conference was never disclosed. The regional HEW organization was asked to prepare a report to prove pollution and its endangerment to health or welfare in Pennsylvania. HEW visited the State department of health and asked for waste load data from the companies in Ohio. Under Ohio law the State cannot release such data unless the companies agree. HEW did not ask the State to set up a meeting with the companies and discuss their needs, but HEW made a direct request to the companies. The larger companies refused. Both the companies and the State of Ohio argued that HEW, expert on water quality, could analyze the water in Pennsylvania and tell whether there was endangerment to health or welfare.

Ohio has had a monitoring program at various points along the river for the past 2 years which measures water quality, and the U.S. Geological Survey has a station at the State line with continuous monitoring. All of this data was given to HEW but it was not used. HEW wanted only waste load data as a measure of pollution.

In order to get waste load data HEW sent a letter to Ohio threatening Ohio with loss of the Federal grants for pollution control unless the data were turned over to HEW. Ohio's answer was that this threat of blackmail deserved congressional investigation. HEW then argued it was outside the scope of Ohio law and should receive it. The Ohio reply said that it was a crime to break the law and questioned HEW's asking such an action.

At the conference the HEW representative built up a record of what he and the conference chairman argued as lack of cooperation by asking the companies if they would supply such data to HEW. I understand that Mr. R. F. Doolittle, counsel for Youngstown Sheet & Tube Co., the gentleman who reported to the conferees on what the steel program is accomplishing, has submitted to this committee his reasons for refusing this request. I urge you to consider his comments.

In the hearings of this committee, Mr. Quigley was asked about possible conflict between HEW decisions on water quality and those established by a State such as New York. Mr. Quigley's bland assurances to the contrary, this is a problem right now.

I participated in a meeting in Albany last year when this was the subject of discussion. New York State has held public hearings for over 15 years to determine water uses and standards of quality. As a result, agreement has been reached on water uses and standards to protect those uses.

HEW is now engaged in a comprehensive survey and, as part of it, is recommending quality standards. New York State asked whether HEW was accepting the New York State standards. The HEW reply was that whenever it could agree with New York it would, but if there was a difference then the HEW recommendation would preempt State authority.

Since dams, reservoirs, canals, harbors all cause a change in water quality by changing the natural characteristics of the area, this committee should realize that by giving the Secretary of HEW authority to arbitrarily establish water quality standards, the committee is in effect giving the Secretary virtual veto power over all private and public works projects. This does not differ in any way from giving the Secretary the authority to decide water quality standards which would prevent a new industry or a city from locating on a river if there would be any change in the standards he promulgates.

Mr. Quigley wants you to pass a law that would give him this vast power and permit him to exercise it without even a hearing. He claims the objective is speed to promote protection of clean waters. However, it could be that he recognizes that a public hearing will provide emphasis on the local area needs and desires and this may not necessarily agree with his often stated policy that all waters shall be as clean as possible. Only opinion is needed for that decision.

HEW has slowed up pollution control by insisting on formal conferences with a record of all testimony despite Mr. Quigley's calling the session informal. It ties up the staffs in State agencies for weeks in preparation. Now he is interested in expediting a program and would make the heart of it—deciding the future of our national growth—on an informal desk opinion.

I urge you to ask your cohort, Mr. Jones, if his detailed hearings suggested either the need for possible benefits from establishing Federal standards.

Mr. Chairman, if an administrator can have the power to subpoena records and whatever other information he deems necessary, let me suggest what can happen:

(1) Publications of HEW on industrial operations have provided general flow diagrams of processing operations. These offer a guide to possible sources of waste. Each company has its own variations for production. As administrator could request specific plant diagrams and operation practices as well as material balances under the wording of this bill. Does the Congress intend this authority?

(2) If HEW is going to continue to measure pollution by a discharge and ignore actual stream quality, and then subpoena the data, companies will stop measuring discharges. However, with no regular checks on discharges, in-plant controls will go to pot and pollution control gets another setback. Does this express Congress intent?

STANDARDS

This story on waste loads ties in to standards. And as an example let me switch to another area. In the Minnesota taconite area mining and processing are the mainstays of the economy. Two approaches are used. In one the iron is removed from the ore inland and the tailings are filling large area ponds. In the other the ore is brought to the lake for separation of the iron. The iron content is low so that 1 ton of iron is recovered from 3 tons of ore. The other 2 tons are in the waste discharge to the lake.

If pollution is any discharge, this exemplifies gross pollution. If pollution is the resulting water quality, the story is entirely different. The solids are inert, not toxic and are developing as a peninsula out into the lake. But some can float away.

Mr. Chairman, if I were the Secretary under this proposed bill, I could set a standard of quality in the waters in Lake Superior which would shut down that taconite operation. The bill would give me totally discretionary authority. It does not require me to consider either the social or economic needs of an area. And any violation of that standard would cause enforcement action.

Through the efforts of this committee we have terrific electric power capacity in this country. It uses over 1,000 billion gallons of water a day—which makes a lie out of the prophets of doom who say our total supply is limited to 515 billion gallons a day.

However, many of these dams take water from the bottom of the reservoir and this may be very low or completely devoid of dissolved oxygen. As Secretary I could set a dissolved oxygen limit immediately below the dam which would limit its production.

Nuclear powerplants present the problem of cooling the reactors. This means heat to the stream. Thermal pollution. Is it? If the discharge is the control, it is. If the stream is the control, it may not be. But as Secretary I could set limits which would cause trouble even if the stream was not seriously affected.

Lest this committee think this imaginary concern, let me go back to the Mahoning conference.

I have here a copy of the HEW report on the Mahoning. It is, in my opinion, and in the opinion of many others, a sad example of a water quality evaluation.

A copy of it went to Congressman Clark before the conference. I don't blame him for having real concern over the health of the people at Beaver Falls after reading the report. The report is full of innuendoes but totally lacking in any data to prove the points.

It contains, however, some "standards" of water quality proposed by HEW to "prove" pollution. The Ohio River Valley Water Sanitation Commission's report at the conference questioned the validity of these standards and showed that the setting of standards takes more time and competency than HEW has demonstrated it deems worthy of expending.

However, even after this documented reporting by OrSANCO, the HEW conferee announced his decision.

To set his decisions in perspective I should note that the Mahoning conference showed a fantastic recovery of this river in the last decade.

In 1954 the river was analyzed for moisture. It was undoubtedly one of the worst polluted streams in the country.

Since then 13 cities have built sewage treatment plants. The last and largest—Youngstown—will be in full operation this year. The industries have a program which will be virtually completed by the end of 1966.

Both programs have been designed to provide an industrial water quality in the Warren-Youngstown area, and provide at the State line a quality which will not affect drinking water standards downstream.

But the HEW conferee did not agree that this was adequate. Without offering any data to support his view for the need or what the benefit-cost ratio would be, he announced that these new plants going into operation are inadequate and a greater degree of treatment must be provided within 3 years. He even gave a time schedule. This is intended to make the Mahoning, where steel mills line both banks, a fishing stream. The standards he suggested ignore all consideration of feasibility, reasonableness, and local area needs.

Congressman Michael Kirwan presented a statement to the conference on what his people wanted. In his decision the HEW conferee in effect paid no attention to the needs and desires of the citizens of the area.

The chairman of the conference gave an example of the power now assumed by HEW, even without this bill (S. 4) being passed. He told the mayor of Youngstown that under law the Corps of Engineers submits plans for public works to HEW for approval on adequacy of water quality. Where Federal funds are involved, there has been an administrative decision that complete treatment is considered minimum. He referred to the Mahoning canal being considered by the House Public Works Committee and said HEW approval is needed. The mayor learned for the first time that a canal to carry barges would require water of drinking quality.

There is a related problem deserving attention. When Congress said low flow augmentation could not be used as a substitute for adequate treatment of waste, did it mean the present interpretation by HEW that a combination of intermediate treatment and flow control to give maximum benefit at least cost is not to be permitted?

Mr. Chairman, you have some of the greatest water resources in the world in your proud State. Other States have them in varying degree. You and your committee have done a fantastic job of setting guidelines for selling pollution abatement and the fruits of your labors are now coming in.

Mr. Jones has earned undying gratitude for going into the problems of water management as well as pollution. His hearings in Washington and around the

country have done more good than he will ever know. His approach set the pattern—the only one which will sell pollution abatement. He asked individuals what their responsibility was and what they were doing about it. He did not threaten a law; he sold a conviction.

And this is the essence of President Johnson's creative federalism to accomplish his Great Society by closer Federal-State-local cooperation. We have too much at stake to destroy local initiative by providing dictatorship over what our streams shall be used for. The President wants clean streams. So do you. So do I.

I am certain that the President's dream of clean streams in his administration—I presume we have 8 years for this—will be a reality if there is Federal-State-local cooperation.

But I am just as sure that if this bill as now written is passed, there will be a number of States requesting hearings to set standards before they move a program. Why should they do as Ohio did on the Mahoning and then be told they are wrong?

And then after the Secretary sets the standards, the States can call another hearing to revise the standards. This could go on and on and on. If it does, this Great Society will be in a cesspool, not blue water. President Johnson gave the Congress and the people an objective. He did not dictate the means. Don't embarrass him by substituting hasty legislation for positive accomplishment.

The CHAIRMAN. This concludes the public hearings on this legislation, proposing amendments to the Water Pollution Control Act.

(Whereupon, at 6:03 p.m., the hearing in the above-entitled matter was concluded.)

(The following was furnished for insertion:)

STATEMENT OF HON. PETER W. RODINO, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. Chairman, members of the Public Works Committee, I greatly appreciate the opportunity to appear before you to testify in behalf of the proposed legislation to amend the Federal Water Pollution Control Act.

For a long time I have advocated new legislation to control and correct the pollution of our water supplies. As a member of the NATO Parliamentarian's Conference Scientific and Technical Committee, I have been active in promoting studies of environmental health problems, such as air and water pollution. It is for these reasons that I introduced on January 4, 1965, my own bill, H.R. 151, and that I am here today to express strong support for the administration's bill, S. 4.

We can sum up what is happening to the streams in many parts of our country in just two words: America's shame. Water pollution in the United States has become a menace to our health, and an economic problem which robs us of the water we need. It destroys fish and wildlife, threatens outdoor recreation areas, and is often an esthetic horror.

In addition to ordinary sewage, outfalls are discharging slaughterhouse by-products, lethal chemicals, and radioactive matter in our waterways. Polio, infectious hepatitis, and more than 30 other live viruses carried by sewage effluent have been isolated by Public Health Service officials. These germs have even been found in sewage that has already been treated. Because of the necessity of reusing water, there is an almost 50-50 chance that the water we drink has passed through someone else's plumbing or an industrial plant sewer.

The adverse effects of water pollution are much broader than health. Some industrial plants reject water as unfit for their uses. Swimming is forbidden on many beaches. Radioactive wastes are found in drainage basins. Floating garbage and other filth clog water supply intakes of some cities that take their water from open streams. Detergent foam runs from the faucets in several States. Mine acids pollute streams and kill wildlife. Oil spills kill birds and spoil beaches.

The first Federal Water Pollution Control Act, passed in 1948, authorized cooperative studies of the problem. The 1956 amendments authorized Federal grants for a small portion of the costs of sewage treatment plants. This program was strengthened and enlarged in 1961, but it is still not enough. We need to take a more positive approach to the whole problem along the lines contem-

plated in H.R. 151 and in S. 4, and we need to do this immediately. The longer we wait, the greater the dangers and the larger the problem.

Our greatest need is for a new national policy for the prevention of water pollution as well as abatement of pollution already created. Passage of H.R. 151 or S. 4 will enable us to establish such a policy through the efforts of a Federal Water Pollution Control Administration directly responsible to the Assistant Secretary of Health, Education, and Welfare. It will also provide more money for research, development, and construction of municipal sewage treatment works.

The pollution of our waters is the worst in our history, most experts agree. And our future water needs are staggering. We are already using more than 300 billion gallons of water a day, and by 1980 we will be using 600 billion gallons each day. By the year 2000, a trillion gallons. It is clear that we are going to have to reuse our water time and time again.

Water pollution is not an insurmountable problem, but it must be worked on immediately. We must invest more money in city and industrial water treatment plants and provide more research facilities for the development of efficient techniques of waste treatment.

The bill now under consideration, S. 4, is a step toward the achievement of the cleaner water supply needed to promote good health and to serve vital functions in the areas of industry, agriculture, and recreation.

I deeply appreciate the opportunity you have given me to testify before your distinguished committee. And I urgently recommend its prompt and favorable consideration.

STATEMENT OF HON. SAMUEL S. STRATTON, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF NEW YORK

Mr. Chairman, I appreciate the opportunity to testify before the committee on behalf of the Federal Water Pollution Control Act Amendments of 1965.

I have supported the Water Pollution Control Act in the past and I support this legislation. It recognizes not only the vital need to clean up our rivers and waterways, but also the perfectly patent fact that without concrete and continuing help from the Federal Government this job simply cannot be done. In fact the history of the Federal Water Pollution Control Act has shown not only that Federal assistance can be effective in meeting local pollution problems, but also that even the relatively modest amount of Federal assistance made possible by this program can and in fact already has called forth a far greater measure of local participation and initiative in meeting the problem of water pollution than was ever forthcoming before the program began.

The need to abate pollution is particularly important to the 35th Congressional District of New York with its rich endowment of natural water resources. If the people of my district are to take full advantage of the magnificent recreational possibilities and water supplies which the rivers and the lakes of our area provide, the sewage problems that confront our rural and suburban areas today must be solved. In fact the State of New York has mandated that our communities must begin to clean up this pollution.

Yet the State of New York has thus far provided no money to help these communities meet this need, and the inadequate taxing resources which local governments in my area now possess make it almost impossible for them to do the job themselves.

That is why we need this program and why we must continue and expand it as this legislation would do.

Nevertheless, Mr. Chairman, I am also constrained to invite the attention of the committee to several features of this current legislation which I believe should be altered if the program is to be of maximum effectiveness to the district which I have the honor to represent.

First of all, I strongly believe that the funds made available to local communities under this bill should be extended to cover not only sewage treatment plants and main interceptor lines but also other sewerlines as well, including laterals. The fact is that oftentimes the costs of such sewerlines are as great if not greater than the costs of the treatment plant or the major interceptor lines themselves. In my experience it often turns out that without help of this kind many communities simply cannot effectively solve their pollution problems and cannot even fully utilize the help provided by this program as it stands at the moment.

I urge the committee to amend the bill to provide for this extension.

Second, Mr. Chairman, I am concerned that with the emphasis in this new bill on urban areas. We could, I am afraid, find that this program would end up doing very little for suburban or rural areas. I have, of course, no desire to oppose the proper effort to make large cities eligible for some help under this program. But, after all, these cities are in most cases much better equipped to finance the costs of such projects than are smaller rural communities. Moreover, if we put the ceiling on grants to individual cities too high we might well find that the entire funds appropriated under the program were used up for one or two cities, with nothing left over for all our rural areas.

I commend this point too, Mr. Chairman, to the sympathetic attention and approval of the committee.

Thank you, Mr. Chairman, for the courtesy and attention of the members of the committee.

STATEMENT OF HON. PAUL H. TODD, JR., A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF MICHIGAN

Mr. Chairman, may I respectfully make the following suggestions re section 8 of the Federal Water Pollution Control Act amendments:

Section 8(b) (2), change \$1,000,000 to \$1,500,000.

Section 8(b) (2) (A) (2), change to \$3,000,000.

The reasons for suggesting this change are as follows:

Under the law as written, if a single metropolitan area were governed by a single municipal government, the maximum grant available under the present amendments would be \$1 million.

If this same metropolitan area were governed by, say four local governments, the maximum grant available would be \$4,400,000. (\$4 million plus 10 percent.)

Under these circumstances, there is a definite reason for not consolidating local governmental units into more rational, less fractionalized, metropolitan governments. I do not believe this law should provide this reason, which makes for bad local governmental organization in many instances.

I have been advised that the meaning of section 8 is such that a bonus might not be granted to a single governmental unit serving a whole metropolitan area. I believe that it should be made clear that the intent of the act is to provide the bonus whenever a plan covers a metropolitan or urban area, regardless of the number of governmental units involved.

Should my proposals be adopted, the incentives to maintain fractionalized governments would be reduced to a ratio of 4.4 to 1 to 2 to 1. The total demands for money might remain about the same, because of the reduction in the upper limit.

I appreciate this opportunity of submitting my views.

STATEMENT OF HON. CHARLES A. VANIK, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF OHIO

Mr. Chairman, first of all I want to express my appreciation to your committee for giving me the opportunity to present testimony on this vital legislation.

As a Member of Congress from the city of Cleveland, I represent a community which must depend upon Lake Erie as a source of water supply. In 1950 the city of Cleveland withdrew 241 million gallons of water a day to supply Metropolitan Cleveland. In addition to the municipal supply the industrial plants of the Cleveland area were pumping 570 million gallons a day from the Cuyahoga River and about the same amount from Lake Erie. Most of the industrial water is used in the steel and petroleum process and is returned to its source after use with overwhelming quantities of pollution. The figures which I have submitted were for the year 1950 and since that time they must have increased in both the municipal use and the industrial use categories.

In September 1964, I had the honor of escorting the chairman of this committee, the Honorable John Blatnik, on a tour of the Cleveland waterfront. The deplorable lack of pollution control in the areas we visited was visually obvious.

It is my hope that the legislation which you are drafting will determine whether the industrial plants which use the waters of the Great Lakes and their tributaries are using every known and approved procedure to reduce the current outpouring of pollution. It is my opinion that a dual standard of water pollu-

tion control persists in this country. Higher standards prevail on the Ohio River system to protect the vital interest of downstream users. The industrial users of Great Lakes water apparently have the license to do as they please in complete disregard of the higher levels of water pollution control which their counterparts must meet on the water systems of America's interior.

A large body of water like Lake Erie has an assimilative capacity that has already been exceeded. Official Government reports have indicated that at the bottom of the Lake Erie Basin ferrous, sulfide-petrochemical emulsion has been steadily rising over the lake bottom. This concentration of waste on the lake bottom is growing in area and in depth—destroying organic life and the capacity of the lake to develop orderly self-purification.

I have not been able to fully determine what corrective processes can be developed for the petroleum and the chemical industries, but there are basic water pollution procedures which should be followed by the steelmaking industry, and I recommend that your legislation provide a mechanism for determining whether these procedures are being properly followed on the Great Lakes.

Operation 1: When ore is reduced to molten iron in the blast furnace, the gas generated in the process is washed with water in equipment that removes 98 percent of the dust it carries. During the smelting the furnace shell must be cooled, so a supply of water is circulated through hollow metal plates imbedded in the refractory lining; it is then pumped to the gas washer. The washer water is clarified in large settling basins.

In this operation 200 pounds of dust are produced with every ton of iron made. With proper settling, less than 4 pounds of dust per ton should appear in the waste flowing into the river or lake.

Operation 2: A scale of iron oxide, which forms on the surface of hot steel, is blasted loose by streams of water under high pressure as the metal is rolled into desired shapes. The scale is carried by water to a basin where most of it settles, but the finest particles settle very slowly.

The amount of mill scale discharged may be very small, but it tends to discolor streams for a short distance. The recovery of mill scale can be brought about through further settling and the use of precipitators.

Operation 3: In the cold rolling process a continuous strip of steel passes between a series of rolls to reduce its thickness, simultaneous with a steady stream of emulsified lubricant being played on its surface. Emulsified oil, however, neither settles nor floats.

Suitable chemicals have been found to cause the oil to rise to the surface of the water where it can be skimmed off. There is also a new technique now being developed which provides for absorption of oil on the precipitate formed by chemicals—after which the water emerges crystal clear and is returned for reuse.

Operation 4: The hydrogen and methane gas when leaving the coke ovens is cooled with water sprays which condense the tar and dissolve the ammonium salts. In subsequent recovery processes a liquor is discharged containing a variety of organic compounds. Among the most objectionable are the phenols that can cause a bad taste in drinking water after it is chlorinated.

The prevention of pollution by operation 4 is by cooling the red hot coke with this liquor, thus decomposing some of the phenols and driving off the remainder in steam. The other and preferable method is to recover the phenol and remove it entirely.

The production of steel, chemicals, and oil are not clean industries. Our concern should be directed to determine whether these industries are following pollution-control procedures in keeping with general standards for the industry.

The water pollution procedures set forth above are the industry standards for the steel industry as reported in the official industry publications. These standards are strictly complied with by the steel industries of the Ohio Valley and the industrial tributaries of the Ohio. Here the water must be cleansed for the reuse of downstream users. There is no reason why lesser standards should apply to the outpouring of industrial waste into the Great Lakes.

I urge that the legislation you are drafting will not overlook the necessity for preserving the Great Lakes as a source of usable fresh water supply.

Thank you for your time.

STATE OF MICHIGAN,
OFFICE OF THE GOVERNOR,
Lansing, February 19, 1965.

HON. GEORGE H. FALLON,
*Chairman, Committee on Public Works,
House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN FALLON: I have been advised that your committee is considering several bills which amend the Federal Water Pollution Control Act. Among these are S. 4 which passed the Senate on January 28, 1965, and H.R. 3988.

Section 5 in both S. 4 and H.R. 3988 would authorize the Secretary of Health, Education, and Welfare to establish and enforce water quality standards in interstate waters or portions thereof with little more than token reference to State views.

My position, in brief, is that pollution control to be effective must be a partnership effort between the Federal and State Governments. Since the U.S. Supreme Court has repeatedly held that the Federal Government and the States cannot simultaneously occupy the same field of enforcement authority, the adoption and enforcement of standards of water quality by the Federal Government would virtually eliminate the State's authority in this area. The record of accomplishment in pollution control in Michigan, denies the need for this legislation.

In the opinion of Michigan water management specialists, enactment of this section, as proposed, will tend to delay rather than advance pollution control. Industries and municipalities could be expected to defer their pollution control programs until they are assured that their programs would meet Federal requirements. In view of Federal preemption, neither could the States hope to prevail in any court proceedings seeking to enforce their abatement requirements.

An acceptable modification to the language in presently proposed section 5 is found in the version of its predecessor S. 649, as reported out by your committee in the 1964 session:

"Sec. 5(c) (1) In order to carry out the purposes of this Act, the Secretary may, after consultation with officials of the State and interstate water pollution control agencies and other Federal agencies involved, and with due regard for their proposals, prepare recommendations for standards of water quality to be applicable to interstate waters or portions thereof.

"The Secretary's recommendations shall be made available to any conference which may be called pursuant to subsection (d) (1) of this section, and to any Hearing Board appointed pursuant to subsection (f) of this section; and all or any part of such standards may be included in the report of said conference or in the recommendations of said Hearing Board.

"(c) (5) No standard of water quality recommended by the Secretary under this subsection shall be enforced under this Act unless such standard shall have been adapted by the Governor or the State water pollution control agency of each affected State."

It is my sincere hope that the committee will recognize the improvements which can be made to proposed section 5 and will concur in my preference for the substitute language above.

May I restate my firm belief that the job of pollution control is of such magnitude and complexity that it requires a cooperative effort on the part of the State and Federal Governments, each performing its role in accordance with the policy statement contained in section 1(a) of the present Federal Water Pollution Control Act.

Thank you for your consideration of these suggested amendments.

Sincerely,

GEORGE ROMNEY.

STATEMENT OF GOV. EDMUND G. BROWN, OF CALIFORNIA

I appreciate the opportunity to appear before your committee and I would like to congratulate you for moving so quickly to solve a major national problem. I cannot overemphasize my personal interest in this important subject.

The protection and preservation of the Nation's water resources is of concern to every American. It is a matter of life and death to the people and economy of my own State. Although recent weather reports from California might lead you to believe that we have an overabundance of this resource, the most

heavily populated regions of our State are semiarid. Consequently, water is so valuable that we cannot afford to waste or mismanage this essential resource. With our population increasing at the rate of 1,500 a day, the need for high-quality water is becoming greater as each day passes.

It is the policy of my administration to use all available means to upgrade the quality of our water, not merely to maintain it at present standards. We are working constantly to protect and enhance the esthetic value as well as the usability of our waters. Water pollution control has been a major item in the State program and budget for the past 15 years. We are concerned, not only with the effects of sewage and industrial wastes, but also with all other factors which affect water quality.

Public support of the water pollution control program in California is demonstrated by the fact that our communities and industries have expended approximately \$1 billion since 1950 on construction of waste treatment and disposal facilities. We are justifiably proud that, of a total population of over 14 million in communities with sewer systems, less than 17,000 now live in communities without sewage treatment plants.

As you know, I am a strong advocate of Federal water pollution control legislation. I supported S. 649 as passed by the Senate last year and I endorse the bill now before your committee. There are two major provisions in S. 4 upon which I will comment briefly. Then, with your permission, I would like to offer a suggestion or two for further strengthening the water pollution control program.

This bill, as did S. 649, provides for the creation of a Federal Water Pollution Control Administration which would become responsible for several of the water pollution control functions now administered by the Public Health Service. I recognize the need for strengthening the Federal program in this regard and I strongly support the proposed legislation as a well-considered step in that direction.

S. 4 would also amend the enforcement provisions of the Federal Water Pollution Control Act by authorizing the Secretary of Health, Education, and Welfare to promulgate standards of water quality on interstate waters and to enforce such standards. As defined in the act, "interstate waters" would include all streams that discharge into coastal waters. In California this would cover just about every stream in the State even though almost all of these streams are what we consider to be "intrastate waters" in that they do not flow from our State into a neighboring State.

We are in complete agreement with the concept that Federal authorities should intervene when an upstream State is damaging the waters in a downstream State and is taking no steps to prevent the damage. We also appreciate the opportunity afforded by the present legislation for a State to ask for Federal assistance in enforcing water pollution control on intrastate waters. However, the State of California does not believe that the Federal Government should have the authority to promulgate and enforce water quality standards on intrastate streams unless the State is unable to enforce water pollution control measures and has requested such intervention under existing law.

Now, as it relates to further strengthening the Nation's efforts to preserve and protect our water resources, I would like to offer two suggestions.

An essential ingredient of all programs is funding. I note that S. 4 does not provide for increased appropriations except for the proposed new grant program aimed at solving problems associated with overflows from combined sewers. I urge further consideration of expanding the existing grant programs. To achieve the goal of clean waters will require an expanded effort on all fronts, and this must begin with adequate funding. Construction of treatment works received needed impetus from Federal construction grants, but testimony before your committee last year showed that even with this increased effort, pollution abatement was not proceeding at the rate required to do the job. Construction of works must be accelerated. This means that the communities throughout the country will be expected to expend more funds for this activity and, therefore, I suggest it is essential that appropriations for the Federal construction grant program be increased correspondingly.

To carry out and support an accelerated program will require additional effort in other fields. For example, we need stronger State control programs, more technically trained personnel, and an expanded research program to cope with the ever-growing complexity of water quality problems. The States must

do their part, but I urge that the Congress provide the incentives by increasing grants for State programs, training, and research.

We are now involved in a cooperative effort involving local, State, and Federal interests. The brunt of the financial burden is being borne at the local level. The load is constantly increasing. In summary, I believe it is reasonable to expect the Federal Government to step up its financial support concurrently.

I should like to conclude my remarks by calling to your attention a situation not directly involved with S. 4. This concerns waste water reclamation. We have metropolitan areas of our State which are supplied with water that has to be transported 100 or more miles. In the near future, we will be delivering waters through the State water project over an even greater distance. It grieves me to see these valuable waters used but once, and then wasted to the sea. We need systems which would permit one or more cycles of reuse.

The Public Health Service has taken a small but important step in this direction. The Service, in cooperation with State or local interests, now has underway in California four field research projects for waste water reclamation. We appreciate and commend the Service for this assistance. I say, though, the time has come when these activities should be consolidated and expanded into a fullfledged regional water pollution control research laboratory as authorized by the existing Federal act. Such a facility should have as its major function research related to waste water reclamation.

We have the problem, we have the interest, we have the talent to provide cooperation and support, and most important of all, we have a full spectrum of situations where field-scale investigations could be undertaken.

In closing, let me say that I am confident that all of us working together—local authorities, State and Federal Governments, and private industry—can prevent the waste and despoilment of our most valuable natural resource.

STATEMENT OF GOV. CARL E. SANDERS, OF GEORGIA

Chairman Fallon, Mr. Tobin, members of the House Committee on Public Works, and members of the Subcommittee on Rivers and Harbors, I am honored to submit testimony in behalf of the principles embodied in H.R. 3988, the Federal Water Quality Control Act of 1965.

As you know, in past centuries, when man has directly or indirectly used up his basic components of air, soil, and water, he has been left with the alternatives of death or migration.

But today, the pollution, waste, and destruction of natural resources are no longer purely local problems. We are faced, as never before, with growing degrees of pollution that are able to limit life drastically.

Contaminants, of course, are an unavoidable product of civilization. Our basic problem, therefore, is not to eliminate them—which, in effect, would eliminate much of our progress—but rather to find means of controlling them.

In this regard, the Federal Water Quality Control Act of 1965 can be perhaps the most far-reaching and important water pollution proposal ever considered by Congress.

I believe it is obvious that the seriousness of the situation that now confronts us, and the size and expense of the project ahead, demands both the fullest national attention as well as the most thorough governmental action possible.

In the face of the growing demands we put upon our natural resources, and in the face of a national population that expands at a rate of approximately 3 million persons a year, I believe it is not only proper, but also essential, for the Federal Government to step up its financial support and assistance to those governments, agencies, or individuals who are directly confronted at this time with a polluted environment.

Since the passage of the State's first water quality law in 1957, Georgia's cities and industrial firms have expended approximately \$50 million for waste treatment facilities.

Today in 112 communities around our State, with a total population of over 500,000, there is a present need for \$38.5 million worth of waste treatment facilities. This does not even include the Atlanta and Savannah areas, with well over 1 million people, whose combined needs have been estimated at from \$42 to \$52 million.

Georgians, therefore, are nearly unanimous in their concern for this problem, and they have given their support both to our past and our projected efforts to meet it. I am confident, therefore, that they will also support me in giving general endorsement to H.R. 3988, amending the Federal Water Pollution Control Act, which cannot help but make our State's own task much easier.

Ours is a widespread problem which we have sought to meet with the relatively limited means that Georgia is able to afford.

At least 11 major waterways in our State, for example, have been polluted to the extent that normal enjoyment of the water for most recreational purposes is disturbed. Economically speaking, we have felt the ill effects of pollution in such areas as the Savannah Harbor, where 11,000 acres of coastal waters are now closed to shellfishing.

In attempting to combat this problem, the people of Georgia supported me in guiding stronger water pollution control legislation through the State legislature.

The newly created Georgia Water Quality Control Board, which went into effect in July of 1964, already has conducted 33 stream pollution investigations on 20 streams in 16 counties of the State. It has made 3,651 tests of stream pollution. It has issued 10 official enforcement orders to municipalities and industries for pollution abatement.

It has reviewed and approved 112 sewage disposal systems in 51 counties.

It has on file, and expects the amount to soon double, applications for sewage treatment plants for towns and counties whose total cost exceeds \$11 million.

Most importantly, the board has adopted a set of rules and regulations to be followed in enforcing water quality control, including such things as provisions for emergency action, specifications for treatment facilities, and standards for water purity.

I believe the State and Federal Governments can continue to work together and to move even further toward our common goal.

I believe this can be one of the most worthwhile and far-reaching investments our Government can possibly make in its effort to preserve, protect, and defend our land—not only from overt actions, but from our own negligence.

I appreciate the opportunity to have presented my views to your distinguished committee, and I assure you of the best wishes of all the citizens of Georgia for the concern and determination you have shown in our common interest.

Thank you.

NORTH CAROLINA DEPARTMENT OF WATER RESOURCES,
STATE STREAM SANITATION COMMITTEE,
Raleigh, January 14, 1965.

HON. PAT McNAMARA,
Chairman, Committee on Public Works, U.S. Senate,
New Senate Office Building, Washington, D.C.

DEAR SENATOR McNAMARA: We understand that your committee will hold a hearing on January 18, 1965, to consider proposed amendments to the Federal Water Pollution Control Act as set forth in Senate bill, S.4. It is further our understanding that the bill now under consideration is substantially the same as S. 649, introduced during the last session of Congress, with the exception that those portions having reference to detergents and requiring permits for waste treatment facilities at Federal installations have been deleted.

It is not the purpose of the North Carolina State Stream Sanitation Committee to oppose those portions of S. 4 which are aimed at strengthening and improving the Federal water pollution control program; however, it is desired to bring to your attention our views concerning certain aspects of the proposed legislation.

We are opposed to the provision which would establish within the Department of Health, Education, and Welfare a separate administration charged with the responsibility of carrying out the national water pollution control program. The Public Health Service has achieved a rather high degree of success in administering the program and has developed an outstanding corps of engineers and scientists who are engaged in water pollution control activities. In view of this and since many such trained personnel would be lost to the program, we believe it to be in the public interest to continue the program within the Public Health Service and that its status within the organization be elevated to reflect its important role in the preservation of our water resources. In this connection, we would suggest that consideration be given to the feasibility of creating within the Public Health Service a national institute of water pollution control to be re-

sponsible for the administration of all phases of the program (research, technical, enforcement, etc.) under the supervision of a qualified director.

While we do not specifically oppose an increase in maximum grants allowable for sewage treatment works, it has been our experience in North Carolina that the maximum grants presently authorized are sufficient to provide ample incentive for the construction of treatment works. On the other hand, if there appears to be justification for increased maximum construction grants, then such increases should certainly be accompanied by an increase in the annual appropriation for the program from \$100 to \$200 million. Failure to increase the annual appropriation will simply reduce the number of projects which can be supported and serve to continue the large backlog of unmet needs that should be satisfied as rapidly as possible.

We do not believe it desirable for the Secretary of Health, Education, and Welfare to establish water quality standards for interstate waters. The State of North Carolina has already classified and assigned water quality standards to all of the State's waters. These are assigned in cooperation with the affected downstream States and are considered adequate to provide water of suitable quality to meet our present and future needs; therefore, it does not appear justified for the Federal Government to superimpose additional standards upon those already established. In fact, should this provision of the bill be enacted it could lead to the duplication of efforts and to confusion among the municipalities and industries with respect to which standards they should seek to achieve. We recommend, therefore, that this provision be deleted and that the Secretary be authorized to formulate suggested water quality objectives or standards for the assistance and guidance of State and interstate agencies in the establishment of standards to be applied to waters under their jurisdiction.

We are, likewise, opposed to Federal enforcement with respect to intrastate waters in which shellfish are grown. The control of such waters should remain the responsibility of the States in which such waters are located and should not be subject to pollution abatement under the Federal Act. The Department of Health, Education, and Welfare already has the authority to prevent the marketing of shellfish in interstate commerce which should be sufficient to protect the health of shellfish consumers.

During the past there have been many references to the inadequacy of State programs to cope with the growing needs for water pollution control. This is perhaps true in many instances and has been reflected in the quality and quantity of pollution control work being done at the State level. The problem stems largely from the lack of funds with which to provide adequate staffs and to otherwise support the cost of administering essential program activities. It is, accordingly, suggested that Congress give serious consideration to increasing the annual appropriations for program grants under section 5(a) of the Federal Water Pollution Control Act. We are confident this is one area in which Congress could help in the enhancement of water pollution control efforts throughout the Nation.

Please be assured that your consideration of the views presented herein will be greatly appreciated.

Sincerely yours,

E. C. HUBBARD,
Director, Division of Stream Sanitation and Hydrology.

STATEMENT OF AMERICAN PETROLEUM INSTITUTE, MID-CONTINENT OIL & GAS ASSOCIATION, NATIONAL PETROLEUM REFINERS ASSOCIATION, AND WESTERN OIL & GAS ASSOCIATION

This statement is being submitted on behalf of the aforesaid trade associations whose member companies account for practically all of the oil produced, refined, transported, and marketed in the United States.

The purpose of the statement is to present the views of the petroleum industry with respect to S. 4 and H.R. 3988, both bills proposing to establish broad Federal controls on water pollution problems. While the views herein expressed are in the main applicable to both measures, the statement is directed to S. 4 in its particulars. The statement follows:

There is a general conviction throughout the oil industry that if the Federal Water Pollution Control Act is amended according to the provisions of S. 4 the purpose of the bill will not be achieved. A primary function and responsi-

bility of the Federal Government is to provide technical and other assistance to State and local control agencies and we see no objections to such parts of the bill which would serve and promote this end.

On the other hand, section 5 would give the Secretary of Health, Education, and Welfare the sole ultimate authority to promulgate and enforce quality standards for interstate waters and their tributaries. This section is of primary concern to industry. If it remains in the bill and the bill becomes law, the Secretary would have the arbitrary power to close plants and cause industry to move from a State and the State could do nothing about it.

Any Federal standards would have to be arbitrary, for the quality of U.S. waters in their natural state, as well as after they receive various pollutants, varies widely from stream to stream and from point to point along a stream. Water from swamps may be odoriferous and low in oxygen content. Waters of the Mississippi carry silt loads that could not be tolerated in Lake Michigan. As flows, stream temperatures, etc., vary through the year, so also does the ability of a stream to absorb given amounts of wastes without harmful or objectionable effects.

Small concentrations of one substance in a river may be entirely harmless but, in combination with traces of certain other substances, can become toxic to aquatic life. There are countless variables of oxygen content, temperature, silt, etc., which complicate the setting of meaningful standards. For this reason, standards must of necessity represent compromises.

In testimony before the House Committee on Public Works on December 4, 1963, Senator Muskie stated that many different standards would be needed even for different sections of a single stream. The policing of all interstate waters under many standards by HEW on a continuous basis would be a tremendously expensive responsibility and would cause constant friction with control agencies in the States affected as well as waste due to duplication of effort.

As an example of the problems arising from superimposing Federal control on State control, let us say that the oxygen content at a point on an interstate river drops below the Federal standard and that there are 50 sources, including municipal and industrial, contributing to the condition. On what basis does the Federal agency prorate the costly steps necessary for correction? If standards are set to control the concentration in waste streams from the various sources, minor contributors of concentrated waste would be required to install waste treatment equipment while a major contributor of large volumes of diluted wastes would do nothing. In fact, it is probable that one or two large contributors of oxygen consuming wastes would be required to provide improved treatment which would raise the oxygen content in the river to above the standard. The other contributors of oxygen consuming wastes could not be required to spend a penny unless HEW decided to change the standards to make them more restrictive. All this would amount to Federal tinkering with control details for which the State agencies should have full authority.

The primary purpose of quality standards is to define the minimum level of water purity which will not have harmful effect on aquatic life and will not interfere with use of the water for established human needs. However, if standards representing satisfactory conditions in a stream are put in force, industry and municipalities would not expect to be required to treat wastes beyond the degree necessary to meet these standards. The standards would tend to promote carelessness in treatment of wastes in the spring and at other times of the year when riverflow volumes are above normal and the standards are easily met.

Water quality varies greatly from point to point in the Nation's lakes and streams. It is this fact that establishes control as a local or State responsibility. The important thing is that the multitude of sources of potential pollutants be watched and controlled on a routine basis so that streams are not affected adversely. This can only be done effectively by the States with the technical assistance of HEW.

Today a number of States require their approval before any alterations or additions are made at an industrial plant which would change the volume or quality of waste water discharges. They also require routine reports of the quantity and quality of discharges. State interest in assuming responsibility has grown tremendously in recent years.

The effectiveness of interstate compacts in abating and controlling wastes in interstate waters has been demonstrated along the Ohio and other river basins. These compacts are becoming increasingly popular and are serving to eliminate the necessity for Federal standards and enforcement. The present Federal Control Act encourages their formation.

There is ample evidence that, under the present act, great strides have been made in upgrading the quality of lakes and streams. This progress has been accomplished in a relatively short time, largely through cooperation, mutual discussion and understanding of the need for abatement.

To sum up: There is adequate Federal enforcement authority in the present law, and much progress is being made in abatement activity by the States and interstate compacts. But under S. 4 a State's rights to control its own waters would be taken away, and effective cooperation and control would become impossible.

Federal policing of State waters and Federal enforcement against polluters would be necessary to achieve conformance with Federal standards. An arrangement of this kind would be keenly opposed by all States.

Water quality goals and objectives, however, are certainly necessary for the orderly development of all major river basins. To be most effective, the Federal role in abatement programs should be directed toward—

1. Defining the criteria or levels of tolerance for each legitimate water use.
 2. Assisting in conducting comprehensive river basin surveys to further the programs of the States and the regional interstate basin commissions.
- We firmly believe and respectfully urge that the actual decisionmaking as to setting of water quality standards for specific river basins, and sections thereof, should be retained at regional and local levels. State and interstate agencies in close continuous contact with all segments of the community should determine legal stream standards that will, in turn, be translated into treatment requirements.

We would like to add one comment directed specifically to H.R. 3988.

Section 5(6) of that bill grants subpoena power to the Secretary of Health, Education, and Welfare. This is a power that the Congress has always been reluctant to grant to an administrative agency, except as part of a grand jury or court procedure. Under subpoena a company could be compelled to reveal confidential data on processes, production, or scheduling—all of which are of a highly competitive nature and of absolutely no value in stream analysis. We respectfully submit that there is no need for the granting of such subpoena power in the instant legislation.

STATE OF ALABAMA,
WATER IMPROVEMENT COMMISSION,
Montgomery, Ala., February 12, 1965.

Hon. JOHN A. BLATNIK,
*Chairman, Subcommittee on Rivers and Harbors,
Cannon House Office Building, Washington, D.C.*

DEAR MR. BLATNIK: I understand that the Subcommittee on Rivers and Harbors will hold hearings in the very near future on S. 4 and related bills to amend the Federal Water Pollution Control Act.

The Alabama Water Improvement Commission, the State's water pollution control agency, is opposed to Federal legislation which would—

1. Establish a Federal Water Pollution Control Administration within the Department of Health, Education, and Welfare having specific administrative responsibilities delegated to it.
2. Authorize the Secretary of Health, Education, and Welfare to establish standards of water quality for interstate waters and to secure abatement of violations of these standards under enforcement procedures provided in the act.
3. Authorize and direct the Secretary of Health, Education, and Welfare to utilize the enforcement powers of the Federal Government to abate pollution of interstate or navigable waters which prevents shellfish from being marketed in interstate commerce.

The above points were made in a statement on behalf of the water improvement commission by Mr. Claude D. Kelley to the House Committee on Public

Works on December 10, 1963. A copy of this statement is enclosed as it presents our reasons for taking the position we have.

We will appreciate consideration of our views and the inclusion of this letter in the records of your subcommittee's hearings.

Yours very truly,

ARTHUR N. BECK, *Technical Secretary.*

STATEMENT OF CLAUDE D. KELLEY, VICE CHAIRMAN, ALABAMA WATER
IMPROVEMENT COMMISSION

Mr. Chairman and members of the Committee on Public Works, I am Claude D. Kelley, director of conservation for Alabama and vice chairman of the Alabama Water Improvement Commission, the agency of our State having statutory authority for the control of water pollution. Thank you for the privilege of appearing before you in my capacity as vice chairman of the Alabama Water Improvement Commission and stating the position of the commission with respect to amendments to the Federal Water Pollution Control Act as contained in S. 649 and related bills.

The commission opposes amendments to the Federal Water Pollution Control Act contained in S. 649 which would—

1. Establish a Federal Water Pollution Control Administration within the Department of Health, Education, and Welfare having specific administrative responsibilities delegated to it.
2. Authorize the Secretary of Health, Education, and Welfare to establish standards of water quality for interstate waters and to secure abatement of violations of these standards under enforcement procedures provided in this act.
3. Authorize and direct the Secretary of Health, Education, and Welfare to utilize the enforcement powers of the Federal Government to abate pollution of interstate or navigable waters which prevents shellfish from being marketed in interstate commerce.

Our commission recognizes that the status of the Federal water pollution control program should be upgraded and that strong administrative leadership for the Federal Government's activities in this area is necessary. This leadership must be supported by knowledge gained through experience and training in the complex and specialized fields of water pollution control and water quality requirements for all useful purposes. This knowledge is available at the national level within the Public Health Service. Throughout the years, the Federal Government has relied upon the Public Health Service for the administration of national programs for water quality improvement through pollution control. These responsibilities have resulted in the development of a professional staff within the Public Health Service whose qualifications in the field of water quality protection are without equal in other branches of the Federal Government. These special qualifications are not limited solely to the protection of health as they cover all aspects of water quality and water pollution related to the public welfare.

The success of Federal-State programs depends upon a close relationship between the parties involved and a mutual understanding of the problems and responsibilities of each. This relationship and understanding between the Public Health Service and our commission has contributed materially to the success of joint efforts in water pollution control within Alabama.

We, along with many other agencies and organizations, unsuccessfully opposed the 1961 amendments to the Federal Water Pollution Control Act which transferred responsibility for administering the act from the Surgeon General of the Public Health Service to the Secretary of Health, Education, and Welfare. Our opposition was based on the possibility of the Public Health Service being completely removed from participation in the water pollution control efforts of the Federal Government. It should be noted that neither Mr. Ribicoff nor Mr. Celebrezze, who presently holds this office, has seen fit to remove the major responsibilities for water pollution control from the Public Health Service.

We recommend that the Congress upgrade the status of the Federal water pollution control program within the framework of the Public Health Service rather than pass legislation which could result in the removal of this agency from the water pollution control efforts of the Nation.

In the Federal Water Pollution Control Act, as amended, the Congress declared its intent to recognize, preserve and protect the primary responsibilities and rights of the States in preventing and controlling water pollution. We contend

that the establishment of conditions under which wastes may be discharged is a primary responsibility and right of the States. These decisions and those with respect to water quality protection should be made only with a full knowledge of local conditions and by those in a position to have this knowledge. Natural water quality and water quality requirements for beneficial uses vary from State to State and within an individual State. The problem of setting practical water quality standards to cover all conditions is so complex that some States, including Alabama, have preferred to consider waste discharges individually and on the merits of the particular case.

S. 649 would authorize the Secretary of Health, Education, and Welfare to establish standards of water quality for interstate waters on his own determination in the event standards established by the affected States or interstate agencies were not consistent with his views. These standards could also be applied to tributaries of interstate waters. Furthermore, S. 649 would authorize the Secretary to apply his enforcement powers to violations of the standards he has set. In effect, the Secretary would have the ultimate power to establish and enforce standards of water quality for interstate waters and tributaries thereto regardless of the position a State or States might take in the matter. The establishment of Federal water quality standards for interstate waters, and tributaries thereto, could result in two different sets of standards for a State, one for interstate waters and one for intrastate waters, thereby creating serious administrative problems.

We believe that the enforcement power granted to the Federal Government by present law are fully adequate to effectively control pollution of interstate waters. Many conferences have been held over the Nation under the enforcement provisions of this law. Alabama has been a party to two of these conferences which we feel served useful purposes. I might add that Alabama did not request either of these conferences. One was called at the request of a State receiving waters from Alabama and the other on the initiative of the Secretary involving waters entering our State.

The provisions of S. 649 which authorize Federal standards of water quality are not in the interests of Alabama and, in our opinion, not consistent with the policy of the Congress to preserve and protect the primary responsibilities and rights of States in controlling water pollution. We therefore recommend that power to establish standards of water quality not be granted to the Federal Government.

The granting of authority to the Secretary of Health, Education, and Welfare to institute enforcement proceedings on his own initiative to abate pollution of interstate or navigable waters which prevents the marketing of shellfish in interstate commerce would have far-reaching effects. It would further dilute State control over matters of local concern and represents a new approach to the control of water pollution by introducing interstate commerce as a factor. Health protection is the principal responsibility of water pollution control and public health agencies and, under no conditions, should be made secondary to the economic interests of a specific industry. There are areas in Alabama where shellfish can be produced but which cannot be approved for the harvesting of shellfish for sale under standards established for health protection. These areas are those within the immediate vicinity of discharges from highly efficient sewage treatment plants and those receiving surface drainage from heavily populated regions. It has been demonstrated in our State through comprehensive and long-term laboratory studies that floodwaters alone carry a bacteria load derived from surface runoff which is in excess of the permissible limit for harvesting shellfish. Under the provisions of S. 649, the Secretary could initiate enforcement proceedings in situations as I have described although every effort to control pollution from manmade sources has been exerted. We oppose these provisions for this reason and because they are not, in our opinion, in agreement with the expressed intent of the Congress.

In the foregoing part of this statement, our opposition to certain provisions of S. 649 has been expressed. However, we feel that other provisions of this bill are constructive and, with minor revisions, would improve the Federal Water Pollution Control Act. I refer specifically to sections which pertain to the following:

1. A permit system whereby a permit from the Secretary of Health, Education, and Welfare would be required for the discharge of wastes from Federal installations.

2. Increases in the maximum limits for Federal construction grants.

So far as we know, there is no existing law under which Federal installations are required to secure permission for the discharge of wastes. Legislation which provides controls over these sources of pollution is definitely needed. We do feel that Federal installations should be subject to the same requirements as other sources of wastes within the same locality. We therefore recommend that this legislation provide that a permit issued by the Secretary conform to the policies of the State involved.

We can support the measure increasing the maximum limits of a Federal construction grants from \$600,000 to \$1 million for a single municipality and from \$2,400,000 to \$4 million for a project involving two or more municipalities provided the appropriations for the construction grant program are increased in proportion. If the maximum limits are increased without corresponding increases in appropriation, Alabama's annual allotment of approximately \$2 million could be devoted to two municipalities in the event eligible applications were filed for maximum grants.

I appreciate and thank you for the opportunity to express the views of the Alabama Water Improvement Commission on S. 649 and related legislation.

COMMISSIONED OFFICERS ASSOCIATION
OF THE UNITED STATES PUBLIC HEALTH SERVICE,
Washington, D.C., February 15, 1965.

HON. JOHN A. BLATNIK,
*Public Works Committee,
U.S. House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: We would greatly appreciate it if you would insert in the record of your hearings on S. 4 and H.R. 983, legislation regarding the water pollution control program, the enclosed statement on behalf of the Commissioned Officers Association of the United States Public Health Service.

This association testified during the hearings on this legislation during the last session of Congress. Nevertheless, we would like our statement to also appear in the record of the hearings in this Congress.

Sincerely yours,

WILLIAM J. LUCCA, JR.,
Executive Director.

STATEMENT OF COMMISSIONED OFFICERS ASSOCIATION OF THE
UNITED STATES PUBLIC HEALTH SERVICE

Mr. Chairman, we are indeed grateful for this opportunity to present to this committee the views of the Commissioned Officers Association on S. 4. The chairman and this committee are well known for their valuable contributions in the area of water pollution control legislation.

The Commissioned Officers Association of the United States Public Health Service represents approximately 3,600 members, which number includes over 75 percent of the career active duty personnel of that Service. These members are physicians, dentists, scientists, engineers, and other categories of dedicated professional personnel in the Commissioned Corps of the Public Health Service.

The association opposes section 2 of S. 4, which we believe would divide, fragment, and reduce the efforts of Congress to strengthen the entire national water pollution control program. We are particularly concerned that this section will divide the technical efforts in this field and will create insurmountable problems in the recruitment and retention of experienced engineers and scientific specialists.

Section 2 would establish a separate Federal Water Pollution Control Administration within the Department of Health, Education, and Welfare, with designated responsibilities for major portions of the water pollution control effort, including comprehensive river basin studies and program planning, interstate cooperation, and enforcement and compliance activities.

In effect, this would divide the total effort between two agencies within the Department with all the attendant difficulties which would result in attempting to administer a unified program under such conditions. Scientists and engineers engaged in comprehensive program work in the field would have to

look to another agency for their backup support and results of research work. The interchange of personnel between laboratory and field activities which provides for stronger programs would be most difficult. Training activities would be divorced from other major program activities. Overlapping responsibilities and duplication of effort could not be easily avoided. Most important, the difficulty of attracting, recruiting, and retaining national experts in the field of water pollution control under such circumstances would be extremely difficult.

The national water pollution control effort has grown up in the Public Health Service. Further, the Service is the repository of the engineering resources of the Federal Government which pertain to water pollution control technology. It started in 1912 with congressional authorization for the investigation of the pollution of navigable lakes and streams. During the period 1912-48, under congressional direction, the program was limited to investigations and research. The first specific Federal water pollution control legislation was enacted in 1948, and during the ensuing 8 years was supported by an average annual appropriation of about \$1 million. It was not until 1956, following the action of this committee, that the Congress authorized the Public Health Service to undertake a comprehensive attack on the problems of water pollution. This Federal Water Pollution Control Act of 1956 was amended and strengthened by the Congress in 1961.

Thus, what was initiated as a sanitary engineering research effort in 1912 has been developed and expanded by the Public Health Service to provide a multidisciplinary approach to the formidable problems of water pollution and its control today. The Service has acquired and developed the finest complement of scientific experts in water pollution control in the world. These hard-to-acquire specialists include, as Secretary Celebrezze stated in his Senate testimony, "some of the most nationally and internationally prominent scientists and engineers in this field." The strength of the current program, which was so carefully devised by this committee, and enacted by Congress, has been in the quality and mobility of its personnel and in the integrated nature in which research, basic data collection, comprehensive river basin studies and planning for pollution control, technical and financial aid, public education, and enforcement have been combined into a single comprehensive attack on the national water pollution problem.

Accomplishments under this program have been ably presented in the formal statements of other witnesses, including that of Assistant Secretary Quigley. We should like to further emphasize some of the points, however. It has been stated that the Public Health Service is only interested in the public health aspects of water pollution control. Mr. Chairman, the tabulated record of the construction grant program shows the following water uses benefited from these construction grants:

| | |
|--|-------|
| For propagation and conservation of fish and wildlife----- | 2,500 |
| For boating----- | 2,000 |
| For swimming----- | 1,700 |
| For municipal water supplies----- | 1,600 |
| For agriculture----- | 1,500 |
| For industrial water supplies----- | 750 |
| For other legitimate uses----- | 2,200 |

Since 1956, construction of municipal waste treatment facilities, stimulated through the construction grant program, has increased to record levels. More than 4,600 construction grants have been awarded in support of projects which will clean up municipal and industrial pollution in 45,000 miles of the Nation's streams and estuaries serving 41 million people.

Comprehensive water pollution control planning programs are underway on eight major river basins covering more than 40 percent of the U.S. land area with a population of more than 100 million. A national water quality network has been established to determine long-term water quality trends, to measure progress in pollution control, and to monitor dangerous pollution. Responses have been made to hundreds of requests for technical assistance from State and interstate agencies, local governments, industries, and other Federal agencies. Industrial waste guides have been developed in cooperation with a number of industries through the Cooperative National Technical Task Committee on Industrial Wastes. Twenty-nine enforcement actions have been instituted involving some 600 municipalities and a similar number of industries, including

some of the largest industries. The remedial action covers about 6,000 miles of streams and large lakes and estuaries. While cases are under the Enforcement Branch of the Division, conferences and technical studies are carried out under the direction of the professional engineering and scientific staffs of the Public Health Service.

A similar tabulation on the enforcement activities benefited the various water uses as follows:

| | |
|------------------------------|----|
| Fish and aquatic life----- | 18 |
| Recreation----- | 17 |
| Public water supply----- | 15 |
| Industrial water supply----- | 9 |
| Commercial fishing----- | 9 |
| Others----- | 34 |

At this point it might be well to clarify for the record the meaning of the terms "enforcement" and "compliance" programs as related to water pollution control. Enforcement constitutes a three-step procedure: (1) a conference, and if this is ineffective, (2) a public hearing, and, finally (3) Federal court action. In contrast, "compliance" has been used by previous witnesses to encompass the entire comprehensive river basin study and planning program conducted by engineering and scientific personnel, as well as the cooperative program to control pollution from Federal installations. The comprehensive program actually is intricately interwoven with other water pollution control activities, consequently it cannot be split off into a separate agency as proposed in section 2 without impairing the other essential elements of the water pollution control program.

The current Public Health Service staff engaged in water pollution control is nearly 1,200. Of these, a little more than half are professional civil service and commissioned officer personnel, including 60 scientists with Ph. D. degrees. The commissioned officers number 300 engineers, chemists, biologists, bacteriologists, oceanographers, and other scientists. More than half of these officers have advanced degrees. More than 50 have received postgraduate training in their specialty during the past 7 years under the basic Public Health Service authority under Public Law 410.

Thirty-two of these commissioned officers are stationed at headquarters. They include the Division Chief, two of three Assistant Division Chiefs, three of seven Branch Chiefs, and other key positions. Sixty-eight officers are stationed at the Taft Sanitary Engineering Center in Cincinnati, Ohio, where they are engaged in research work, basic data collection, and training activities to support State and local water pollution control agencies. Two hundred officers are stationed at regional and field locations. Nine are regional water pollution control program directors. Eight are in charge of major river basin investigations. Others furnish the mobile engineering and scientific backup support to the total water pollution control effort.

This commissioned corps cadre of career professional officers is the heart of the Federal water pollution control effort. They are men of outstanding accomplishments and capabilities. Many of these officers hold key positions in various national scientific and engineering societies, have received awards for their outstanding work and are acknowledged experts in their respective fields.

The Public Health Service has maintained its focus on sanitary engineering, biology, and chemistry, but at the same time has added the other engineering and scientific skills alined to water technology. These include chemical, electrical, mechanical, and industrial engineers, microbiologists, radiochemists, physicists, and hydrologists. For more than 15 years the Service has had a team of aquatic biologists and limnologists, many of national and international reputation, concentrating on the effects of water pollution on fish and other aquatic life, and on water as a resource. These experts provide the Public Health Service linkage to the agencies of Government most concerned with the effects of pollution on the natural flora and fauna of the Nation's water resources.

The chemists, biologists, hydrologists, and engineers engaged in the comprehensive river basin studies and program planning for water pollution control obtain their backup support from the scientific and engineering specialists engaged in methods research and technical assistance at such installations as the Taft Sanitary Engineering Center and the authorized nine new laboratories (including the two water standards research laboratories) which are coming into being in the next 3 years.

For years the Public Health Service research efforts have included strong interdisciplinary programs involving the identification, measurement, and control

of pollutants affecting people and natural resources; the development of scientific knowledge to better determine the physiological and toxicological effects of pollutants on man and animals; and specialized research efforts involving diseases related to bacteria, viruses, and helminths. This research support is provided through the Public Health Service's National Institutes of Health and Communicable Disease Center, as well as through the extensive extramural research program by which the Public Health Service utilizes the Nation's universities and other nongovernmental research capabilities.

Other established Public Health Service programs are closely interrelated with the water pollution control effort. They include:

(1) Research, standards development, interstate quarantine control, and technical assistance to State and local health department efforts to protect the drinking water supply of U.S. citizens.

(2) Study and control of radiation and radioactive contaminants in the environment.

(3) Control over the quality of waters used for the growing and harvesting of shellfish used in the interstate traffic.

(4) Toxicological studies of the occupational health program which provide basic information on human and animal health tolerances to contaminants, and

(5) Program of water fluoridation for control of dental caries which includes both evaluation of natural waters and application of fluorides artificially.

In summary, the water pollution control effort as now conducted, is an integrated one; a cadre of engineering and scientific experts in the field exists within the Public Health Service; accomplishments to date have been significant in view of the short time that a comprehensive approach has been authorized and the magnitude of the technological problems involved; attention has been given to fish, wildlife, agricultural, and other water uses in addition to water supply; and allied research and technical resources of other closely related programs of the Public Health Service have been available in support of the water pollution control effort.

Increased recreational activities are exposing more and more people to pollution in the water environment. In 1960, 70 million persons participated in water contact sports and this number is increasing. Health is, and always has been, of paramount significance in water pollution control programs. Today, more than 90 million persons in the United States derive their drinking water from the same surface waters that receive their wastes. This should still be the most vital concern of every one of us—conservationist, health official, individual, and Member of Congress.

The association recognizes the importance of this program to the health and welfare of the country. We feel that the complement of technical specialists and support staff, numbering some 1,200 employees should continue to work as a unified team within the Public Health Service for maximum efficiency of the national water pollution control effort.

The Commissioned Officers Association, at its recent house of delegates meeting on behalf of the entire membership, unanimously approved a resolution expressing its grave concern with section 2 of S.4 as having far-reaching ramifications which will seriously impair the effective operation of the water pollution control program.

ATLANTA, GA., February 16, 1965.

HON. JOHN A. BLATNIK,
Congressman, Eighth District,
Washington, D.C.

DEAR CONGRESSMAN BLATNIK: Your kind consideration of our views relative to H.R. 3988 would be appreciated.

We can see no advantage in creating another administrative agency to administer the Federal Water Pollution Control Act. Basically, water pollution control is concerned with the health and welfare of the people, in reference to disease prevention and the preservation and improvement of water quality for the benefit of recreation, agriculture, industrial developments and other uses. No agency in the world has accomplished as much in these fields as the Public Health Service. In terms of accomplishment, technical skills and facilities available, and the cooperative relationship existing between the States and the Service, we feel the USPHS should continue to administer the program.

We believe it is wise to liberalize the construction grants under section 6 of Public Law 660. We hope, though, that a grant to a single eligible grantee

for any one project will be limited to \$1 million and that a grant to two or more eligible grantees for a combined project will be limited to a total grant of \$4 million. If these limits are set at \$2 and \$6 million the larger political subdivisions will benefit too greatly at the expense of the smaller towns and counties. Many of our water pollution problems are, and will be, in connection with rapidly expanding communities faced with new suburban areas and industrial developments.

Public Law 660 has adequate provisions for enforcement of pollution control in interstate or navigable waters. The rights of the States to enforce pollution abatement and to set standards of water quality should not be infringed upon in any way. We feel strongly that there is no need or good reason for amending section 8 of the Federal Water Pollution Control Act.

We ask in all earnestness that you consider our suggestions as outlined above and support amendments to Public Law 660 accordingly.

We request, respectfully, that this letter be made a part of the record of your special subcommittee hearings on air and water pollution.

Sincerely yours,

JOHN H. VENABLE, M.D.,
Director, Georgia Department of Public Health, and
Chairman, Georgia Water Quality Control Board.

WILLIAMSVILLE, N.Y., February 18, 1965.

HON. JOHN A. BLATNIK,
Chairman, Subcommittee on Rivers and Harbors, Public Works Committee,
House Office Building, Washington, D.C.

DEAR MR. BLATNIK: I am writing in support of H.R. 4264, introduced by my Congressman, Mr. Richard D. McCarthy, which I understand is identical with H.R. 3988.

The protection of water quality is, we believe, a national interest as well as a State and local concern. We welcome Federal participation in the study, financing, and enforcement of measures to control pollution.

The provisions of H.R. 4264 which our membership favors are grants for demonstrating a new or improved method of controlling the discharge from combined storm and sanitary sewers; the increase in the maximum amount allowed for treatment plant construction; and the additional allowance of 10 percent for the development of regional or metropolitan plans. We also support enforcement of the Federal Water Pollution Control Act, and the protection of water quality to provide for the varied water uses.

While recognizing that water pollution problems are nationwide, I would like to refer particularly to those in the Erie-Niagara drainage basin and in the Lake Erie region as a whole.

The Erie-Niagara drainage basin has a continuing problem of water pollution in spite of considerable effort on the part of both municipalities and industry to control waste discharge. Federal assistance under Public Law 660 has been very helpful to communities here in the construction of necessary treatment facilities. Part of our difficulty appears to stem from the inability of some small communities and rapidly growing suburban areas to finance the needed facilities. Intercommunity cooperation in meeting this situation is increasing. Older communities have combined storm and sanitary sewers which overflow to waterways through old sewer outlets and which may cause unhealthful conditions during periods of even mild flooding. In Buffalo, the city and most of the communities on the Buffalo River have combined sewers, with some 60 outlets on the Buffalo and Niagara Rivers and in the Buffalo Harbor. Similar problems of water pollution are common throughout the Lake Erie drainage basin from Detroit to the Niagara Falls, and contribute to the deterioration of waters in the tributaries, the connecting channels, and in Lake Erie. The cost of providing treatment facilities, an adequate level of treatment, and the correction of combined overflows can be very high, and may exceed the capacity of local communities to bear. Yet the solution of these problems is of intense concern to the entire region.

We believe that H.R. 4264 would be an important step toward improving water quality in this area. The Erie County Council of the League of Women Voters,

representing leagues in Amherst, Buffalo, Clarence, East Aurora, Kenmore, and Hamburg, appreciates the privilege of expressing these views to your committee.

Very truly yours,

MARION A. NICHOL,
Chairman, Water Resources Committee.

THE YOUNGSTOWN SHEET & TUBE CO.,
Youngstown, Ohio, February 17, 1965.

HON. GEORGE H. FALLON,
*Chairman, Committee on Public Works,
House of Representatives, Washington, D.C.*

DEAR MR. FALLON: I wish to urge your serious consideration of the far-reaching implications of the subpoena power proposed to be given to the Secretary of Health, Education, and Welfare under section 5(e)(i) of H.R. 3988.

I have just come from the Conference on the Mahoning River conducted February 16 and 17, 1965, in Youngstown, Ohio, by the Secretary.

The HEW conferee made repeated requests of industry representatives for submission to HEW of their effluent data. He argued that such data from individual companies and facilities in the reach of the stream at Youngstown, Ohio, was essential for an evaluation of water quality some miles downstream in Pennsylvania. He also argued that the Department needed this information in order to assess responsibility for changes in water quality.

On behalf of my company, I declined to make our effluent data available to the Department. To avoid any misunderstanding of my reasons, I would like to state them in this letter to you and to the Public Works Committee.

Lest we be charged with being uncooperative, may I say that we have made available elaborate effluent data, as well as stream quality data, at frequent intervals to the Water Pollution Control Board and the Department of Health of Ohio, which has jurisdiction over our company under the Ohio water pollution control law.

We have done this in connection with an elaborate water pollution abatement program worked out with the State, which is functioning under regulations of the Ohio River Valley Water Sanitation Commission under an eight-State compact. In this connection we have developed and installed over the past several years extensive procedures and facilities for elimination and control of our discharges, at a cost to us of many millions of dollars.

Under Ohio law State authorities are prohibited from disclosing company data without the company's consent. This preserves a confidential relationship between the company and the State.

The Department of HEW, however, both by its actions and statements of intention has made it very clear that it would release the information to the public, and even broadcast it through publicity releases.

We regard the data as confidential both because of secret processes involved and because it contains information as to our volume of production in competitive lines.

We are also particularly concerned over misuse which the Department has made of effluent data it has obtained on a voluntary basis in the past. It is the Department's standard practice to convert data it obtains on industrial organic discharges to what it calls population equivalents of sewage discharge. While both sewage and industrial organics have an oxygen demand on the river, it is wholly untrue that the industrial organics have any bacterial disease producing potential as does sewage.

We feel very strongly that by portraying effluent data in this manner, representatives of the Department of HEW grossly misrepresent the facts and mislead the public.

Arming an administrative agency with the drastic power of subpoena in this kind of situation is both dangerous and unnecessary. Our people and our Congress throughout our history have been loathe to vest this inquisitorial power in administrative bodies except as a part of grand jury or court procedure.

Apart from these concerns, we feel strongly that the Department of HEW has no need for individual company data in order to discharge any of its duties under the Federal Water Pollution Control Act. Certainly it does not need this information for setting water quality standards. Nor does it need it for the conduct of conferences.

The Secretary can call the conference if he has reason to believe there is pollution occurring in a State other than that where the discharge occurs. This involves determination of the water quality in the receiving State, and not in the State of origin.

H.R. 3988 would recognize the primary responsibility of the States to prevent and control water pollution. The enforcement function of the Department of Health, Education, and Welfare is limited to taking action where the State or interstate body having jurisdiction is failing to make effective progress toward pollution abatement in the interstate water.

Once the conference is called it is concerned with (1) the degree of pollution, if any, in the receiving State and its effect on health or welfare there, (2) whether there is, in the originating State, a sound program of control and effective progress being made thereunder toward abatement, and (3) causes of delay.

Not only is individual company data in the State of origin not needed, but even if obtained it would in no way determine water quality in the receiving State, in view of dilution and other self-purification occurring during passage downstream.

The conference contemplated by the statute is one with the State agencies. We submit that the nature of their programs and the extent of progress being made under them, or lack of it, can very clearly be demonstrated by the States and industries involved. This can be done without any necessity whatever for the disclosure of any individual company data.

Effluent data is obviously designed to assess responsibility when downstream pollution is found, but responsibility is not an issue at conference level.

I urge strongly against the amendment which would vest this subpoena power in the Department of Health, Education, and Welfare. I do so in the conviction that this extreme, inquisitorial power is susceptible to gross abuse. Further, it is clear that the Department has no need for individual company data in order to discharge its conference responsibilities or to set water quality standards.

Of even greater concern, this power would enable the Department to compel production of highly competitive data on processing operations, production, scheduling of operations, and all manner of confidential business data which it does not need for stream analysis.

Respectfully submitted.

R. F. DOOLITTLE.

NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS,
Washington, D.C., February 17, 1965.

HON. GEORGE H. FALLON,
Chairman, Committee on Public Works,
U.S. House of Representatives, Washington, D.C.

DEAR MR. FALLON: We are pleased to submit for the record the attached statement of the National Society of Professional Engineers on S.4, the Water Quality Act of 1965.

We appreciate this opportunity to submit our views and hope that you will call on us any time we may be of assistance to the committee.

Very truly yours,

PAUL H. ROBBINS, P.E., Executive Director.

STATEMENT OF NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

The National Society of Professional Engineers is a nonprofit membership organization composed of professional engineers engaged in virtually all branches of the engineering profession and all fields of professional endeavor. Each of the society's more than 63,000 members is qualified under applicable State engineering registration laws which certify that registrants thereunder have met the prescribed qualifications for engaging in the practice of professional engineering. The society's membership is affiliated through 53 State and territorial societies and over 450 local community chapters.

In January 1965, following a careful study of recent developments in the efforts to date to deal with the problem of water pollution, the society adopted the following policy statement:

"POLICY NO. 46-A: WATER POLLUTION

"The pollution of the streams, lakes, and other waters of the United States is a serious problem which requires continuing attention. In accordance with

the principle expressed by the National Conference on Water Pollution held in 1960, the National Society of Professional Engineers believes that the goal of pollution abatement is to protect and enhance the capacity of water resources to serve the widest possible range of human needs. The society considers that this goal can be realized most effectively through a positive policy of providing the best possible water quality consistent with engineering and economic factors and the public interest.

"The society recognizes that the primary responsibility for preventing and controlling water pollution rests with State and local governments. The exercise of Federal responsibility, with respect to international, interstate and navigable waters, should recognize State rights regarding pollution control. Federal aid, when necessary, should be designed to supplement non-Federal efforts, and the programs of Federal financial aid should be administered through appropriate State and local agencies and the existing facilities of Federal agencies with responsibilities for water pollution prevention.

"The society considers the current Federal water pollution control laws to be consistent with the foregoing policy. Any future revisions in these laws should preserve the existing Federal-State relationships.

"The society considers that granting authority to the Secretary of Health, Education, and Welfare to establish and promulgate water quality standards would be contrary to the National Society of Professional Engineers policy of preserving proper Federal-State relationships. The Federal Government should provide research and technical assistance to facilitate the establishment of water quality criteria by the States."

Applying this policy to the pending bill, we see several areas of concern from the standpoint of providing the Nation with the most effective professional efforts to give the program further impetus and strength. First, however, we should like to emphasize that we are in full accord with the purpose of the bill to enhance the quality and value of our water resources and to strengthen a national policy for the prevention, control, and abatement of water pollution. Professional engineers, having a vital and key role to play in this endeavor, are particularly aware of the overwhelming importance of adequate clean water for domestic, recreational, fish and wildlife, agricultural, industrial, and other uses. Many thousands of professional engineers devote their full professional efforts toward these ends.

In fact, the engineering profession takes pride in having developed a branch of sanitary engineering. This began about 100 years ago at Lawrence, Mass. This was the birth of the Lawrence experiment station started by Engineer Mills of the Massachusetts Board of Health. That station did basic research and demonstrations in the methods of water and waste treatment. This work and that of the U.S. Public Health Service at its Cincinnati station were foundation stones for sanitary engineering in this country and indeed the world. There are not many other countries in which one can travel cross-country and drink the water without boiling it or suffering illness. The U.S. sanitary engineers in concert with medical and other disciplines deserve major credit for this and other aspects of our relatively high standard of living. It was this group who reduced to a minimum typhoid fever and some other water and filth-borne diseases. They developed the methodology and paved the way for our present water quality and other sanitary engineering operations including the protection of our water resources for all legitimate water uses. In laying the groundwork and making some progress toward our present-day goals, the sanitary engineers enlisted the aid of biologists, chemists, economists, lawyers, and other essential members of the water quality control team. Thus evolved a multidisciplinary approach under engineering leadership for handling our complex water pollution control problems.

The pending bill would transfer part of the Federal water pollution control program from the Public Health Service to a new Federal Water Pollution Control Administration within the Department of Health, Education, and Welfare. The new agency would have primary jurisdiction for planning comprehensive programs for water pollution control; interstate cooperation, and uniform laws and enforcement measures against pollution of interstate or navigable waters.

However, unless the Secretary directed otherwise, the Public Health Service would retain primary responsibility for research, investigations, training, and information; grants for research and development; grants for State and interstate water pollution control programs and grants for construction.

We question whether it is feasible and wise to divide the overall water pollution control program into two different agencies, even though both are in the same Department. We can see no real advantage in such a splintering and considerable possibility of disruption of proven and experienced administrative and technical know-how. The Public Health Service has developed over the years a high-level group of professional engineers with great expertise in the entire field of water pollution. Even though the bill provides that the head of the proposed Administration may "initially" obtain professional and technical personnel from within the Department, we think it is most likely that in due course at least some of the high-caliber professional engineering staff on the Public Health Service, with considerable experience in water pollution, will be eliminated from that field of endeavor. It is our understanding that most of the engineers now on the water pollution control program chose the Public Health Service on a career basis to work on water pollution control and interrelated pollution problems of radioactivity in water as well as other contaminants. The disruption and demoralization of this outstanding group of engineers would represent a considerable waste or malutilization of key technical personnel at the very time when the Government, and the Nation as a whole, can ill afford to utilize ineffectively its scarce supply of highly trained professional engineers. It is certain that such a split would reduce the attractiveness of the Public Health Service for engineers on a career basis and the new administration would have even greater difficulty in recruiting and retaining high-caliber engineers and other essential technical personnel.

We are also bothered by the apparent concept that the combating of water pollution can be divided into segments. There are, of course, many facets to the problem—ranging from protection of the public's health to industrial, productivity. These different aspects, however, are interrelated and it seems most questionable, for example, that it would be good policy to have one office responsible for comprehensive river basin pollution control plans and another responsible for technical services or basic data collection. To do an effective job in developing comprehensive programs in cooperation with the States it would seem obvious that consideration must be given to the state of the research in the field and the availability of kinds and types of qualified personnel available for the work at all levels of operation.

In addition, it should be pointed out that the Public Health Service has had some of the most extensive and best experience in developing and implementing cooperation with the States. The State sanitary engineers and the State and interstate water pollution control administrators, who occupy a key role in this overall activity, are intimately familiar with the engineering personnel of the Public Health Service and there has often been a movement of engineers between the two. The proposed new Administration would necessarily have to develop similar close liaison in the field of State and interstate cooperation. Progress would be retarded at least until such time as the proposed new Administration could build these relationships.

The report of the Senate Committee on Public Works on S. 4 (S. Rept. 10) suggests that the Public Health Service's primary interest is in the protection of health. It can be inferred from this emphasis that health aspects are separable from other purposes of the water pollution control laws. We do not think this is the case. Health usually is placed foremost in the objectives on bond issues for pollution abatement facilities, for orders and court decrees for pollution abatement, and even in the proposed legislation embodied in S. 4. However, all legitimate water uses must be given full consideration by the respective qualified scientific disciplines in pollution abatement. We are all familiar, for example, with the recent problem of the tainted smoked fish which caused the death or illness of several citizens. Certainly, this is a medical or health problem, but the solution of it requires engineering analysis and research into the causes of the pollution which led to the fish becoming poisonous. This one example indicates that the total fight against water pollution is and must be a team effort involving medical doctors, engineers, life scientists, and other disciplines.

For the reasons given, we suggest that the committee not give approval to the concept of dividing the water pollution control efforts between several agencies and that the Public Health Service retain the full responsibility with such additional support and funds as the Congress may determine to be necessary to speed up and expand this important undertaking.

At least part of the impetus behind the pending bill appears to be the feeling that enforcement activity needs to become more aggressive. With this concept we have no disagreement. But it should be noted that the 1961 amendments (Public Law 87-88) transferred to the Secretary the responsibility for the administration of the law, formerly vested in the Surgeon General of the Public Health Service. The Senate committee report suggests that stronger enforcement action will result if the proposed new Administration is created. It seems to us, however, that the Secretary can direct a more extensive enforcement activity without the necessity of creating a separate Administration by the providing of additional personnel for enforcement within the Public Health Service, or as part of his own staff. There is no lack of authority to order increased attention to enforcement. The only requisite is sufficient qualified personnel to develop the needed technical and legal background and expertise. The technical expertise already exists in the Public Health Service, and we see no reason why the Secretary cannot and should not utilize this available resource to support an expanded enforcement program. It would appear more advantageous to strengthen the existing, very capable but underbudgeted, organization rather than disrupting it and starting over with a new Administration.

Our policy statement opposes giving any Federal agency authority to establish and promulgate water quality standards, which would be contrary to the policy favoring proper Federal-State relationships.

S. 4 would authorize the Secretary to promulgate standards if, within a reasonable time after being requested by the Secretary to do so, the appropriate States and interstate agencies have not developed standards found by the Secretary to be consistent with standards established by him. This language presumably gives the States an opportunity to accept the Secretary's standards, but if they do not do so the Secretary may impose his standards. We suggest that this approach amounts to giving the Secretary complete and final authority to set the standards. The water pollution control program has traditionally been one of Federal-State cooperation, and while there can be no question of wishing to have the highest possible standards, we believe that the proposed authority would be contrary to the Federal-State cooperative relationship which has heretofore existed. We suggest that this language should be revised to make the development of standards a truly Federal-State joint and cooperative endeavor in order to maintain what has been a most desirable Federal-State relationship.

We are in accord with the conclusions reached by this committee on this point last year, when it was stated (H. Rept. 1885):

"The desirability of having water quality standards is recognized by the committee, but the committee is also conscious of the fact that any attempt to authorize the promulgation of such standards by an agency of the Federal Government might do damage to the cooperative Federal-State relationships. For that reason, the committee has modified the provision of section 5 of the bill as passed by the Senate to provide that the Secretary instead of promulgating standards may recommend standards. The committee considers this to be a major change to assure the States, the various water pollution control organizations and private industry that the Federal Government does not desire to have an arbitrary establishment of such standards. The bill as amended now provides sufficient guarantees to all those concerned that the adoption of the recommendations of the Secretary will be at the option of the States. The committee is of the opinion that the amended language in the bill is a definite improvement to existing legislation and will furnish a much better framework to carry out the purposes of the program."

It is strongly recommended that the committee incorporate these same improvements in S. 4. There are a number of good features in the bill which we believe should be retained—an additional Assistant Secretary, and the provisions for grants for research and development on the problem of combined storm and sanitary sewers, improved treatment plant construction grants, and encouragement of comprehensive metropolitan planning.

We suggest that these good features can be retained without destroying or impairing the highly desirable Federal-State cooperative relationship and without disrupting and splintering the competent engineering staff and function of the Public Health Service. In view of the great importance of this program to our national health and welfare, the funds involved and the large numbers of engineers and other scientific disciplines required, we respectfully suggest that the Congress consider upgrading this program to an institute or center

within the Public Health Service, with an engineer in charge reporting directly to the Surgeon General. Toward this end the National Society of Professional Engineers will be glad to provide such assistance as may be desired.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, D.C., February 17, 1965.

HON. GEORGE H. FALLON,
Chairman, Committee on Public Works, U.S. House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE FALLON: On the occasion of the U.S. House of Representatives Committee on Public Works hearing on H.R. 3988 and S. 4, bills to establish a national policy for the prevention of water pollution, it is my privilege to advise the committee of the success being experienced by the Federal Government's participation in this field of governmental responsibility.

Within the past 4 months, the staff of the National Association of Counties have made field trips to approximately 60 localities throughout the country to investigate the local water pollution control programs. The communities visited were representative of virtually every size and type of program being carried out by local Government to prevent and abate water pollution. With few exceptions, the Federal Government's support of these local programs has played a significant, if not major role in assuring their success.

Another result of our study indicates an increased awareness on the part of local officials as to the problems and a determination to increase their own efforts. We urge the Federal Government to similarly increase their activities, in order to assist the local effort.

I respectfully request this letter be made a part of the committee's record and to include the following sections of the "American County Platform," the official policy statement of the National Association of Counties. These sections refer to our position on water pollution and are extremely relevant to the subject you are considering in H.R. 3988 and S. 4.

10-1. *Stream pollution.*—Water pollution is often of an interstate nature and quite beyond the economic capacity of local governments to control. Therefore, we believe that there is justification for Federal assistance to counties and other local agencies in the construction of local sewage treatment facilities and we strongly recommend that the Congress and the Federal administration make available sufficient funds to implement this part of the Water Pollution Control Act.

10-2. *Water supply and pollution control.*—The National Association of Counties recommends that Congress amend existing Federal legislation (a) to permit counties and other local units of government of 50,000 population or more to qualify for sewer and water public facility loans; (b) to effectively permit deferral of interest payments of such loans for projects planned to meet future growth needs; (c) to strengthen FHA authority to discourage use of individual wells and septic tanks in urban areas where public or community water and sewage systems are feasible and provide insurance for site preparation and development, including cost of waterlines and sewer systems; and (d) to increase current ceilings on individual grants-in-aid for the construction of county and municipal sewage treatment facilities and provide financial incentives for projects consistent with urban development plans for the area.

We recommend that the President direct the Federal departments and agencies to evaluate present enforcement powers and incentives to control industrial pollution and to fully consider urban needs in future water resources planning and development activities.

We recommend that the States (a) make a State agency responsible for overall State water resources planning and program coordination; (b) enact legislation to permit States singly or jointly to control pollution of rivers or streams; (c) endow State and local agencies with effective regulatory authority over individual wells and septic tank installation; and (d) provide State grants to supplement Federal aid under the Federal Water Pollution Act.

10-3. *National water pollution control program.*—The National Association of Counties strongly recommends to the Secretary of the Department of Health, Education, and Welfare, that the national water pollution control program be upgraded to a status within his Department commensurate with its responsibilities.

Sincerely yours,

EDWIN G. MICHAELIAN, *President.*

CLEVELAND HILL SCHOOLS,
Checktowaga, N.Y., February 9, 1965.

HON. RICHARD D. MCCARTHY,
*U.S. House of Representatives,
Washington, D.C.*

DEAR SIR: Dr. Toepfer of the State University of New York at Buffalo informed us that you received a copy of our report "Water Pollution and Control on the Niagara Frontier" and that you are interested in our comments.

This was a limited report due to time restrictions, unavailability of current information, lack of complete cooperation by some industries, and the assumption of complete financial responsibility by our committee.

There is no doubt in our mind that the water pollution in our area is a severe problem, and unless positive action is taken in the near future, the situation may become uncontrollable.

Lack of backbone in our laws and law enforcement as well as overpopulation of certain areas, we feel, have contributed greatly to this existing situation. In addition, the lack of an aroused citizenry, disregard for responsibility by communities, and unwillingness on the part of industry to make expenditures on which there can be no return have further contributed to the problem.

Upon the conclusion of this study, we had received much pertinent information, too late to be included in this report, which is worthy of future consideration.

We believe that present efforts on the part of State and Federal Government to educate along these lines are to be lauded, but we feel a need exists for future intensive study leading to eventual control.

Thank you for your recognition of our efforts and we ask that we please be considered for future reference.

Sincerely yours,

LEONARD WEISS,
Science Department Chairman,
JAMES HOOPER,
*Business Education Teacher,
Cleveland Hill and Canisius College.*

STATE UNIVERSITY OF NEW YORK AT BUFFALO,
Buffalo, N.Y., February 12, 1965.

HON. RICHARD D. MCCARTHY,
*House of Representatives,
U.S. Congress, Washington, D.C.*

DEAR CONGRESSMAN MCCARTHY: The data collected in the study of "Area Water Pollution and Control on the Niagara Frontier," completed by a research group during the 1964 Buffalo, N.Y., Community Resources Workshop, is unfortunately supportive of my experiences as a western New York resident concerned with the growing and largely unchallenged menace of this problem.

I must reflect back upon the happy summers of my childhood spent in the pursuit of the noble art of angling in the waters of Lake Erie and the Niagara River. In those years we delved the depths of the lake as far west as Dunkirk, N.Y., to the shores of Grand Island in the Niagara River. This was fishing of excellence with perch, yellow and blue pike, large mouth and smallmouthed black bass, and bounteous quantities of game fish available to the skilled and not-so-skilled fisherman.

I do not fish these areas very often any more. The miles of closed beaches near Dunkirk, N.Y., might as well have stated "fishing closed," too. The past 25 years of the increased pollution of Lake Erie have seen the demise of many of the kinds of game fish once plenteous. The lack of adequate legislation with realistic penalties to violators has not as yet been taken seriously to the point of legal operationalization. The stench on beaches has made thousands of summer recreation seekers turn elsewhere or do without such pursuits.

Students in junior high school social studies in New York State learn that as the shallowest of the Great Lakes, the natural pollution of sewage can be projected as a greater threat for the health of Lake Erie and that industrial and private pollution must be held in careful control. These students continue to read, private sources pollute, recreation areas decline, fish and wildlife die, no channels for amelioration have been developed to this date.

As a child my family often took me to the Olcott Beach area in the Niagara County Newfame Township on Lake Ontario. Community pleading on the pollution of this area has similarly had no ear of legal hearing. Industrial and other polluting of Eighteen Mile Creek, which enters Lake Ontario near the Olcott Beach area has flourished. In recent years the U.S. Army has not allowed their personnel to swim there but the beach area has not been closed to the public. The perch no longer run there as they formerly did to the delight of anglers. I am certain that countless other areas have suffered the same degrading experience.

It is true that the harnessing of polluting materials will be a great cost to industry and other agencies. There is no direct value to be gained for such agencies. However, the loss borne by the public generally and specifically by residents of areas infected by the results of pollution is graphic evidence of a most criminal injustice. The statements of eggheads such as academic experts, conservation clubs, naturalists, crackpots who like to watch birds and waste time catching fish have never been taken seriously by the managers of capital enterprise. The glory and importance of American enterprise and the apathy of general public opinion have negated and rendered ridiculous such faint voices raised in protest of pollution during the past score of years.

Do you doubt the results? Come to the southern shores of Lake Erie, smell the rancid odors of creeks and rivers that feed the lake and the Niagara River. Spend a day at a beach on the Niagara County shores of Lake Ontario. The loss and damage of the past years may be already forever irreparable.

Ours is an industrial society of the highest order and of necessity must continue such direction of progress. The loss which pollution has blindly and imperceptibly taken has not been a necessary appendage to such growth. Morally a stand must be taken to preserve what is left of our natural advantages and to be remedial where it is yet possible. We must develop an intelligent focus upon the problem and the ingenuity of American industrialized know-how must be brought to bear upon this situation. The need for legislation on Federal, State, and local levels is long overdue but now appears to be within the horizon of probability.

As an individual citizen of my community, State, and Nation, I request that the U.S. House of Representatives consider and develop such legislation as is necessary to develop a frame of realistic operationalization for the harnessing and control of all pollution of our waters. As a person whose memory of the loss of natural advantages of my community focuses upon the blandly deliberate violation of even the existing regulations of pollution, I demand it.

Sincerely,

CONRAD F. TOEPFER, Jr.,
*Coordinator for the Community Resources Workshop,
State University of New York at Buffalo.*

TOWN BOARD OF EVANS,
Angola, N.Y., February 17, 1965.

Re H.R. 4264.

Congressman RICHARD D. MCCARTHY,
*House Office Building,
Washington, D.C.*

DEAR CONGRESSMAN MCCARTHY: In response to your inquiry with regard to the town of Evans interest in the elimination of water pollution, we wish to inform you that this is a matter of vital interest to us and perhaps no one in western New York has done more to this end than the town of Evans.

We have undertaken, on our own, the construction of a collection and disposal facility at the cost in excess of \$4 million (we are a town with a population of around 13,000).

We have now, under study and in preliminary design, additional lateral facilities which we estimate will cost in excess of \$2 million.

Being situated on Lake Erie, we have observed the changes in conditions of this lake due to interstate, intrastate, and international pollution. We feel that any and all means should be undertaken to eliminate this creeping decline of our wonderful natural resources of fresh water.

Be rest assured that your efforts in this direction are being well received by the public.

Very truly yours,

WILLIAM J. ROSE, *Supervisor.*

BUFFALO, N.Y., February 23, 1965.

HON. RICHARD MCCARTHY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MCCARTHY: Your bill H.R. 4264 received with pleasure as it is most critical to improve the health of our people in this area to control water pollution.

My interest in hydrology has been twofold mainly in sustaining life free from contagious diseases. Our present water for home use is supplied by the Western New York Water Authority. I highly respect this corporation for their efforts to transmit pure drinking water to their customers. I further praise this corporation for not being influenced by the U.S. Public Health Service and American Dental Association to force the use of fluoridation into their water system. I regard this as a fraudulent practice instigated by the U.S. Public Health Service. I favor an independent Federal agency to control our water supply and its uses.

Considering that the original home of life is water, without it nothing would exist, the science of ecology and the ramification, are vital interconnections of plant life and nutrition which nature provides us with health. In this respect purification is the most important problem facing our community, without it diseases and epidemics prevail.

Our topographical area of the southern towns was formerly dairies and farms. Our dairy farms have dispersed due to urban development and our tributary streams becoming polluted which the cows refuse to drink, their natural instincts guiding them.

Living in a farm area I can view many changes. Rush Creek only 200 feet from our home, has become extremely polluted with sewage, detergents, fluorides and other deleterious chemicals that our children can't swim, fish, or enjoy themselves. I recall our bathing beaches of Woodland and Hamburg Town Park where bathing was a pleasure and the blue water of Lake Erie reminded one of Lake Lucerne in Switzerland. Several times our local board of health prohibited bathing and at present the beaches are for sunbathing only. Years ago we could fish by casting offshore. Today we have to cruise 5 miles out in the lake to enjoy this sport and that's an "if"—if there are fish. The hazards are enormous. Besides runoff from tributary creeks, from chemical fertilizers, industrial wastes and sewage. Also we have to contend with oceanliners using our lakes, entering the port of Buffalo.

In 1901 my family sold 400 acres to the Bethlehem Steel Co. I recall uncles who farmed the land telling us that fishing from shore was loads of fun. They used to catch sturgeon which was abundant and use their hay wagon to load the fish for use as fertilizer on the farm. In those days a fleet of 60 fishing boats used to leave Buffalo and vicinity to fish in the lake to supply our market. This type of fishing has dwindled to zero.

The Dunkirk Conference Ground visited by thousands of families from churches in this area each summer had to install an \$80,000 swimming pool and bathhouse or abandon this recreational playground on account of Lake Erie pollution.

I don't have to remind you, Mr. Congressman, that our beaches in the last few years have been smothered with dead fish. You can rest assured that fish do not live in water not fit to drink. You may be amazed also to know that sea gulls are invading newly plowed land to eat the worms.

Our lake region is known as the goiter belt but recently it is also known as the hepatitis belt. It appears that polluted water contains cyanides entering our bloodstream which may be the results of the chain of events through the constant ever-increasing use of commercial fertilizers, detergents, and sewage. Floods amplify pollution in our waterways.

I conclude with a last comment on behalf of Mother Nature in the way she planned and provided our welfare is the best means of ultimate health. Immediate passage of bill H.R. 4264 is most urgent and I trust your efforts will be rewarded.

Very truly yours,

J. SPENCER TRASK.

ERIE COUNTY FEDERATION OF SPORTSMEN'S CLUBS, INC.,
February 26, 1965.

Congressman RICHARD D. MCCARTHY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MCCARTHY: The members of the Erie County Federation of Sportsmen's Clubs are in favor of strong U.S. regulations pertaining to antipollution laws.

We all adhere to the conservation pledge to defend from waste the natural resources of our country.

Pollution has been very aptly put by the National Wildlife Federation. It kills wildlife, destroys property value, and endangers human life. In short "water is life." For without it, all perish.

Clean water plays an important part in assuring the future prosperity of this country and in maintaining the health of our people. An adequate supply of clean water is essential if we are to achieve these goals.

Much can be said about pollution but much can be done only if we have proper laws and enforcement of them. For we must bear in mind that "water is life."

Yours for better conservation,

ROBERT C. HOOVER,
President.

STATEMENT OF MISSOURI WATER POLLUTION BOARD

The Missouri Water Pollution Board would like to take this opportunity to express their opposition to proposed water pollution control legislation relating to establishment of water quality standards for the following reasons:

1. There is no necessity to establish water quality standards. We and all adjoining States use water quality objectives and the progress to date in abating pollution is outstanding. All major Missouri River cities have completed, have under construction, or have voted bonds for waste treatment works. Establishment of standards is very expensive, time consuming, and would require continuing cost in keeping standards current.

2. Water quality standards reduces State and local responsibility in pollution abatement. We believe there is no need to give the Federal Government additional powers in an area where satisfactory progress is being made.

3. All major cities in Missouri have sewage treatment plants in operation, under construction, or bonds have been voted for waste treatment. There are only 14 cities, total population 28,310, that have sanitary sewers which discharge raw sewage, that to date have not arranged the necessary financing for sewage treatment. There are 280 cities (counting Metropolitan St. Louis Sewer District as one), total population 3,105,573 that have sanitary sewer systems. The percent population living in cities with sanitary sewers that either have treatment in operation or financed is $\frac{3,077,263}{3,105,573} = 99.1$

4. It is anticipated that all raw municipal waste discharges will be treated by 1967. All major sources of industrial pollution, with direct discharges to the Missouri River, are now treated. All major sources of industrial pollution with direct discharges to the Mississippi River will be treated by 1966.

5. During the period January 1, 1958, through December 31, 1964, Missouri municipalities have voted a total of \$270,416,437 for sewerage improvements.

6. All of this progress has been made without the establishment of water quality standards.

7. Establishment of water quality standards would in some instances increase the pollutional load on some of the waters of the State. Once a standard is set some industries will demand that they be permitted to discharge pollutants up to the limit.

8. The water pollution control program is making good progress. Additional Federal laws relating to water quality standards are not needed.

9. The present Missouri water pollution law permits the setting of water quality standards. The Missouri Water Pollution Board does not believe standards are necessary.

STATEMENT SUBMITTED ON BEHALF OF THE BITUMINOUS COAL INDUSTRY

The National Coal Association is the only national trade organization representing the bituminous coal producing industry of the United States.

Because of the close relationship between coal production and water drainage, our industry has a most dedicated interest in legislation designed to alleviate pollution of our water sources. The coal industry is intimately concerned with elimination of pollution and voluntarily is making great strides in its efforts to reduce the amount of pollution that can be attributed to mine drainage.

A recent report by the National Association of Manufacturers incorporates some revealing information and statistics developed from a survey of the bituminous coal industry. The summary of this survey is reproduced herewith from the NAM report and submitted as part of this statement. We ask that you give it your attention. It is indicative of the investment of time, effort, and money which the coal industry has made in this field on a purely voluntary basis.

One of the most important and effective instrumentalities of the industry's program of pollution abatement has been through the interstate compact agency known as the Ohio River Valley Water Sanitation Commission. Among the States represented within the compact organization are most of the major coal-producing States of the Nation, including Indiana, Ohio, Pennsylvania, Kentucky, and West Virginia. The effectiveness of the type of interstate water pollution control administered by Orsanco is commented upon in two newspaper articles, copies of which are attached hereto and made a part of this statement. You will find that in this editorial comment the results obtained from Orsanco's operation have met with wholehearted approval.

This brings us to the basic comment that we wish to make relative to the proposed legislation now being considered by your committee; namely, S. 4, H.R. 3988, and other related bills. We believe that in expediting and making effective a program for the control of water pollution, consonant with the principles enunciated by President Johnson in his recent message, it can best be accomplished by administration of Federal financial aid through appropriate State agencies and such already existing facilities of Federal agencies that have responsibilities in the field of water pollution prevention and control.

We further suggest that any revisions in existing legislation should not jeopardize the already satisfactory relationship between the States and the Federal Government, wherein administration by the State agencies has been preserved and nurtured. Likewise, legislation should not grant the Secretary of Health, Education, and Welfare unqualified authority to set standards of water quality applicable to interstate and navigable waters, without proper consultation with and some administrative authority on the part of the State agencies. Present proposals in this regard amount to giving the Secretary of HEW complete and final authority to set standards and thus nullify a program that has traditionally been one of Federal-State cooperation. We believe that the policy of giving any Federal agency authority to establish and promulgate water quality standards would be contrary to a policy favoring proper Federal and State relationships.

As previously indicated, we are in full accord with the program to enhance the quality and value of our water resources and strengthening national policy for the prevention, control, and abatement of water pollution.

We further recognize that appropriate water supplies must be available for domestic, agricultural, industrial, recreational, fish and wildlife and other uses. However, all legitimate water uses must be given full and equal consideration by the respective qualified, scientific disciplines in pollution abatement. We believe that the present primary responsibility of the Federal Government should be retained and expanded in the fields of research, investigations, training and instruction, grants for research and development, grants for State and interstate water pollution control programs and grants for construction. We believe that the field is important enough that the Federal Government should confine its efforts to research, training, and aid supervision, with the field of enforcement and administration made the province of the State and interstate agencies.

One feature which has been suggested in connection with this legislation is a new section which would provide subpoena powers for the Secretary of Health, Education, and Welfare. Under this proposed section, the Secretary or his designee would have power to administer oaths and "to compel the presence and

testimony of witnesses and the production of any evidence that relates to any matter under investigation under this section, by the issuance of subpoena." Under interpretation of this wording during enforcement actions, even including the first stage and somewhat informal conference proceedings, the HEW Secretary would have judicial power such as is now restricted to the courts of our land. We believe that this proposal is even further afield than the responsibilities granted to the HEW Secretary by legislation on which Senator John Sherman Cooper, of Kentucky, commented that it would grant the Secretary "broader powers * * * than those given to any agency or individual other than the President of the United States."

In urging that the Federal Government's role in the areas of research, investigation, and training be continued and expanded, we do not intend that the very formidable program now being carried on by industry should be eliminated or curtailed. As a matter of fact, industry, especially the coal industry, is proceeding with even greater aggressiveness in its efforts to find ways and means of reducing incidence of pollution in mine drainage.

Currently a research project being conducted by the Bureau of Mines in the U.S. Department of the Interior is being partially financed by the coal industry through the Coal Industry Advisory Committee to Orsanco, an adjunct of the administration of this interstate compact. This project, now in its third year, is seeking ways and means of alleviating acid discharges resulting from abandoned mining operations.

Natural drainage of both surface and underground sources is responsible for some of the acid contamination that occurs in streams. Since this type of pollution occurs as a result of a natural phenomenon, exact and specific methods of alleviation are not available because exact and specific causes are not known. Where pollution does occur as a direct result of mining operations, in most cases the coal companies are able and have taken steps to eliminate the cause and provide remedies in such operations.

A progressive step in the expansion of industry knowledge regarding acid mine drainage and its reduction is being taken by the industry through a nationwide symposium on acid mine drainage. Under the sponsorship of the CIAC to Orsanco, with the cooperation of Bituminous Coal Research, Inc., an affiliate of National Coal Association, there will be held at Mellon Institute in Pittsburgh, Pa., on May 20-21, a symposium on acid mine drainage at which an effort will be made to collect and coordinate all research information on this subject for the purpose of consolidating and making more effective research efforts in this field and hoping to establish a timetable when a specific and effective preventive can be developed.

In the light of these developments, we believe that full cooperation between the Federal Government, interstate and State agencies, and individual industries must be obtained if we are going to accomplish the purposes as set forth by the President in his worthwhile statement on this subject, and in the ultimate aims and desires of the proposed legislation now before your committee.

We appreciate the opportunity to have commented to this committee on the legislation before you. If there is any way in which we can be of further assistance in your efforts to develop a legislative approach that is both effective and reasonable, we would be more than happy to have you call on us.

[From NAM report, January 1965]

A SURVEY OF WATER USE IN THE BITUMINOUS COAL INDUSTRY PREPARED BY THE NATIONAL COAL ASSOCIATION

Questionnaire forms were distributed to the bituminous coal industry by the National Coal Association. All known operating coal companies in the United States were contacted. Approximately 100 replies were received and 82 of them contained information usable in this statistical summary.

The usable questionnaires returned represent 95,023,000 product tons or 37.8 percent of the total coal cleaned through "wet" plants in the United States, and hence are a very substantial sample. The size of the plants reporting runs from quite small to very large and compares favorably with the range of preparation plant sizes throughout the industry. Additionally, the plants reporting are from 5 different river basins and 11 different States, representing all of the principal coal-producing areas of the United States. The returned ques-

tionnaires, considering the number of questionnaires, tonnage represented, and geographical origin, appear to be quite representative of the industry and are a reasonable base for estimation of industrywide water use and waste disposal practices.

It is not possible to correlate the number of answers received with the total number of cleaning plants in operation as the number of coal preparation plants using wet coal cleaning methods is not accurately known. The U.S. Bureau of Mines reports that there were 555 cleaning plants in operation during the year 1959 and that 7 percent of the tonnage of coal cleaned was prepared by dry processing methods. Many if not most of these dry processing plants are relatively small, leading to the presumption that the number of dry plants is therefore disproportionately large in comparison to the amount of coal cleaned by them.

Certain items on the questionnaire are so worded that they are not applicable to the coal industry. The section on water and waste quality was particularly unsuited to use by the coal industry and the results obtained from this section are of such nature that no attempt has been made to correlate them. Because of terminology and treatment techniques detailed in the section on water and waste treatment, the information obtained is fragmentary and can be reported only in generalities. Additionally, coal mining is known to be concentrated in a few areas with lesser operations widely spread over a total of 26 States. For this reason, geographical correlation by watershed location has not been attempted as it would not produce usable information.

The average daily water intake for the entire coal industry is 96,880,000 gallons per day. This is an increase of only 7.04 percent over the water intake in 1949. During the same period the amount of coal cleaned in wet process plants increased by 75.6 percent, indicating a substantial reduction in the amount of water used per ton of coal cleaned. Water was returned to the natural drainage systems at the rate of 79,267,000 gallons per day by the coal industry while the remaining 17,613,000 gallons per day was carried away on the product or otherwise consumptively used. This consumptive use amounts to 18.18 percent of the water withdrawn. The volume of 70,270,000 gallons per day of water is treated before being discharged, or 88.65 percent of the water discharged.

Reuse is widely practiced, each gallon of water being used 14.91 times before discharge. If reuse were not practiced, an additional 1,347,600,000 gallons per day would have been required.

Only 10 of the plants responding to the questionnaire indicated that they required any form of pretreatment of water before using it in the coal preparation process. Six plants indicated that their water supply was completely derived from municipal sources and three additional plants indicated that a small portion of their water supply came from municipal water supply installations. Twenty-six plants indicated that all or some portion of their water supply came from underground sources, while the remainder used river or lake water.

Ten of the responding plants indicate that their waste is being discharged without treatment. This is about one-eighth of the coal preparation plants. Of the remainder, only two do not indicate the use of settling ponds as some part of their waste water treatment process. Thickeners, flocculators, filters, cyclone separators, etc., may be listed among the various other waste water treatment equipment which is sometimes used in the treatment processes. None of the responding plants indicated that they discharged their process waste water into municipal sewers or sewage treatment plants.

The annual direct operating cost of waste water treatment by the coal industry is \$4,211,000 or 1.7 cents per ton of product. The replacement value of waste water treating facilities in the coal industry is \$28,286,000, or 11.3 cents per ton of annual production.

[From the Parkersburg News, Jan. 17, 1965]

MUCH OF FILTH ELIMINATED—FISH ARE PLENTIFUL NOW—"MIRACLE" HAS TAKEN PLACE IN OHIO RIVER

(By Emmett A. Marshall)

Large fish from the Ohio River were plentiful when I was a small lad. Then along came World War I which sparked vast industrial development and along

with it the expansion of cities and towns along the entire length of the Ohio Valley. Industrial wastes began to flow into the river in endless quantities, raw sewage from residential areas was channeled into the stream; mine acids were emptied into creeks and runs that fed to the river. This ruinous action reached its peak in 1948 and at that time it was estimated that one part of every gallon of water in the river was raw sewage. Stench from the stream became a problem and people began to take notice; their howls resulted in the formation of the Ohio River Water Sanitation Commission.

Being a confirmed sport fisherman and not an expert on water pollution or aquatic life I am in no position to offer any scientific data of my own, however, I can attest to the fact that since the formation of the commission changes have been taking place in the old stream. Today, when people ask me, "How's fishing in the Ohio River?" I can truthfully tell them that it is better, much better, than it used to be, and a heap sight better than most people realize.

During the months of April, May, and June of 1957, tests were conducted by the University of Louisville in nine lock chambers from Greenup, Ky., to Brookport, Ill. The quantities of fish taken from the several locks varied from a low of 57 to 2,894 pounds. 52 varieties of fish were recorded. With the vast improvement of water condition, due to the cooperation of industries in establishing water reclaiming facilities, and cities and towns building sewage disposal plants, aquatic life is making giant strides in the stream. No water anywhere could have more forage fish than exist in the Ohio now.

With good water and plenty of food fish are bound to increase in numbers and size. Today, after 16 years of effort on one of the largest projects ever undertaken by man, the results are beginning to show. Any fisherman possessed with average fishing know-how can find out for himself what vast improvement has been made simply by spending a little time on the river with live bait or lures. Since live bait is present in such vast quantities the live bait fisherman needs only to drop a dip net over the side of the boat to harvest a supply.

During late October and through November, thanks to the unseasonable spell of weather that prevailed, I enjoyed several jaunts to the river and worked, for the most part, in the area from below the Marietta-Williamstown Bridge to lock No. 17. Fishing with a small spinner, one early morning, I caught smallmouth bass, largemouth bass, spotted bass, striped bass, channel cat, and yellow perch without moving the boat or changing lures. That morning bass were driving minnows like mad; in an area, covering conservatively, a 50-yard radius, it sounded like hundreds of hogs being slopped on the spot. To my amazement the bass caught this past fall were much larger in size than they were the year before. All the fish taken were healthy, active and present in numbers. On one of the trips to the area I got out of the boat and stood on a wing dam where I observed hundreds of nice size bass swimming in swarms, I am sure there will be some skeptics who will have their doubts about this rapid change of affairs; to those who doubt I only have this to say, "Go there this spring and see for yourself." It is my honest opinion that in another 2 or 3 years sport fishing on the Ohio River will rival that of any section where fishing rates good or better. After the years of free flowing sewage and industrial wastes a trip to the river of big water will convince anyone that a miracle has taken place in the Ohio River. Every fisherman in this section of the country owes a deep debt of gratitude to the wonderful achievements attained by the Ohio River Water Sanitation Commission.

[From the Louisville Times, Jan. 20, 1965]

THE BEAUTIFUL OHIO COMES BACK

In 16 years the Ohio River Valley Water Sanitation Commission has accomplished what amounts to a miracle.

Along the river's course of almost 1,000 miles there are urban communities with a population close to 11 million persons. When the commission was formed as a result of an eight-State compact, human and industrial wastes from this whole valley complex poured into the Ohio River. Only 1 percent of the volume of sewage was given any treatment before it was consigned to the river, which was consequently a fetid stream.

The 16th annual report of the sanitation commission, just released, contains the good news that the situation today has been reversed: 99 percent of the waste poured into the river now passes first through purification or treatment plants.

The cost of this transformation has been enormous—\$1 billion. This means, said Commission Chairman Barton A. Holl, that "94 out of every 100 persons connected to a sewer system in the Ohio Valley have made an investment in pollution abatement."

Even now the job is not quite complete. There are 340 communities with an average of 1,500 population and 128 industries that still pour untreated sewage into the river. Many of these, however, have treatment facilities under planning or construction.

Beyond reaching the point from which its own goal is realizable, the commission and its eight-State compact have accomplished something more. They have demonstrated the effectiveness of regional interstate agreements to undertake projects that are too big for a single-State effort but which are not truly national in scope.

Cleanup of the Ohio River would have been impossible had any one of the eight States refused to pass enabling legislation, or refused later to cooperate in enforcement of the new antipollution laws. There is no incentive for one city to treat its sewage if it must draw its own water supply from the same river polluted by sewage from upstream cities. But after years of discussion and negotiation, the eight States did agree to act. They are Kentucky, Indiana, Illinois, New York, Pennsylvania, Virginia, West Virginia, and Ohio.

Once the cumbersome machinery of the compact began to work, progress was steady. Assisted by Federal grants, one city after another installed sewage treatment plants. Today the river is cleaner than it has been since urban development of the valley began. It is so clean, in fact, that the commission is now turning its attention toward stopping the discharge of untreated waste from boats—a note of tidiness and sanitation that would have been laughable two decades ago when the Ohio was one of the most monstrous open sewers in the land.

ERIE COUNTY COUNCIL OF THE
LEAGUE OF WOMEN VOTERS,

Williamsville, N.Y., February 18, 1965.

Hon. JOHN A. BLATNIK,

*Chairman, Subcommittee on Rivers and Harbors, Public Works Committee,
House Office Building, Washington, D.C.*

DEAR MR. BLATNIK: I am writing in support of H.R. 4264, introduced by my Congressman, Mr. Richard D. McCarthy, which I understand is identical with H.R. 3988.

The protection of water quality is, we believe, a national interest as well as a State and local concern. We welcome Federal participation in the study, financing, and enforcement of measures to control pollution.

The provisions of H.R. 4264 which our membership favors are: grants for demonstrating a new or improved method of controlling the discharge from combined storm and sanitary sewers; the increase in the maximum amount allowed for treatment plant construction; and the additional allowance of 10 percent for the development of regional or metropolitan plans. We also support enforcement of the Federal Water Pollution Control Act, and the protection of water quality to provide for the varied water uses.

While recognizing that water pollution problems are nationwide, I would like to refer particularly to those in the Erie-Niagara drainage basin and in the Lake Erie region as a whole.

The Erie-Niagara drainage basin has a continuing problem of water pollution in spite of considerable effort on the part of both municipalities and industry to control waste discharge. Federal assistance under Public Law 660 has been very helpful to communities here in the construction of necessary treatment facilities. Part of our difficulty appears to stem from the inability of some small communities and rapidly growing suburban areas to finance the needed facilities. Intercommunity cooperation in meeting this situation is increasing. Older communities have combined storm and sanitary sewers which overflow to waterways through old sewer outlets and which may cause unhealthful conditions during periods of even mild flooding. In Buffalo, the city and most of the communities on the Buffalo River have combined sewers, with some 60 outlets on the Buffalo and Niagara Rivers and in the Buffalo Harbor. Similar problems of water pollution are common throughout the Lake Erie drainage

basin from Detroit to the Niagara Falls, and contribute to the deterioration of waters in the tributaries, the connecting channels and in Lake Erie. The cost of providing treatment facilities, an adequate level of treatment, and the correction of combined overflows can be very high, and may exceed the capacity of local communities to bear. Yet the solution of these problems is of intense concern to the entire region.

We believe that H.R. 4264 would be an important step toward improving water quality in this area. The Erie County Council of the League of Women Voters, representing leagues in Amherst, Buffalo, Clarence, East Aurora, Kenmore, and Hamburg, appreciates the privilege of expressing these views to your committee.

Very truly yours,

MARION A. NICHOL,
Chairman, Water Resources Committee.

TESTIMONY OF DR. SPENCER M. SMITH, JR., SECRETARY, CITIZENS COMMITTEE ON
NATURAL RESOURCES

Mr. Chairman, I am Dr. Spencer M. Smith, Jr., secretary of the Citizens Committee on Natural Resources, a national conservation organization with offices in Washington, D.C. It is my privilege to represent some of the Nation's outstanding conservationists who comprise our board of directors, the governing body of our organization.

We strongly support H.R. 3988 and related measures that amend the Federal Water Pollution Control Act, as amended. The related measure, S. 4, that passed the Senate closely proximates the House measures now before the committee. Both the Senate and House bills differ from the measures considered in the 88th Congress, in that two areas of consideration of the previous Congress have been deleted. The deleted sections dealt with pollution emanating from Federal installations and the specific matter of detergents in their pollutive effect. If both of these matters were being dropped from further consideration, we would protest strongly, but we are assured that both matters will have the attention of both the Senate and House in this Congress.

Briefly stated, H.R. 3988, proposes the following: (1) establishes an additional position of Assistant Secretary of Health, Education, and Welfare to aid the Secretary in administering the Federal Water Pollution Control Act. (2) Creates a Federal Water Pollution Control Administration to administer the Federal Water Pollution Control Act, as amended, and as amended further by the proposal herein. (3) Authorizes appropriations for the fiscal year ending June 30, 1965, and for an amount of \$20 million for grants, research and development—such amount to extend for the next 3 succeeding fiscal years. (4) To increase from \$600,000 to \$1 million grants for individual sewage treatment projects. Also, to allow multiple municipal combinations to be increased from \$2,400,000 to \$6 million. In addition, a 10 percent bonus is granted for treatment plants wherein such construction is part of a comprehensive metropolitan plan. (5) Establishes procedures to effect water quality control standards applicable to interstate waters. (6) Authorizes action by the Secretary of HEW to initiate abatement proceedings if he determines there is substantial economic injury resulting from the inability to market shellfish or shellfish products in interstate commerce because of pollution of interstate and navigable waters. (7) Directs the maintenance of audits, where Federal funds are disbursed under the conditions established by the Water Pollution Control Act. Also, assures the consistency with labor standards and other related functions of the Secretary of Labor. (8) Grants the Secretary power of subpoena for purposes of obtaining necessary information.

I. NEW ADMINISTRATION FOR FEDERAL WATER POLLUTION CONTROL ACT

It has been the contention of many, after analyzing the experience of administering the Water Pollution Control Act, that a bureau, agency, or some high level designate within the Department of Health, Education, and Welfare, should undertake the primary responsibility for the administration of the act.

This in no way condemns the activities undertaken by the Public Health Service now charged with the many different elements of the Water Pollution Control Act. The need for separating the structure of the Water Pollution Control Ad-

ministration from the Public Health Service is primarily one of function. The primary purpose of the Public Health Service is quite obviously to protect the health of the country. To the extent that the health of the country is endangered by water pollution the Public Health Service would continue to play its usual role, in protecting health. Presently, the functions of the Public Health Service are related to a variety of other branches and departments in Government.

The function of Water Pollution Control is far broader than just the considerations relating to public health. The uses to which water is put is great, varied, and complex. Clean water far transcends just the matter of public health. It is involved in the uses of industry, it is involved in purposes of recreation for the sustenance and maintenance of fish and wildlife, and so forth.

The present administrative structure restrains the executive operation in many areas. For example, if an important enforcement action is to be initiated it is necessary that the Enforcement Section recommend action to the Division Chief, who in turn recommends it to the Bureau Chief, who in turn recommends it to the Surgeon General, who in turn recommends it to the Assistant Secretary, who in turn recommends it to the Secretary. The proper separation of the antipollution function from an operating viewpoint would seem to facilitate the administration of the program. By the same token, the overall importance of water pollution control is of such significance that it badly needs an increase in status and the resulting prestige therefrom.

We therefore heartily concur in the provisions contained in section I(3) subsection (b) of such section as redesignated by paragraph (2) of this subsection. This amendment calls for the appointment of an Assistant Secretary of Health, Education, and Welfare, who shall supervise and direct the head of the Water Pollution Control Administration. The Water Pollution Control Administration is provided for in section (2) of H.R. 3988. We feel this is much preferable to the Senate version of this same procedure, which removes some of the functions of the Water Pollution Control Administration from the Public Health Service and allows others to remain. We think there is merit for the program to be considered as an operating unit, but in addition to that, we feel most strongly that this operation should be in a separate bureau as properly provided for in the citation above.

III. TO AUTHORIZE APPROPRIATIONS

There is considerable debate as to the relative speed with which we are moving in achieving new construction for sewage treatment plants. No one can argue that significant increases have not resulted. The costs of municipal waste treatment works in 1957 was approximately \$172 million which increased through 1964 to a total of \$417 million. If one goes further and sums the total expenditures from 1957 up to the present experience in 1965 then the result is \$3,043,-044,000. No attempt should be made to disparage this record because it is a most effective one. It requires, however, in terms of need that we do more. Despite these expenditures on the construction of sewage treatment plants, it should be remembered that we started from a considerable distance back and the acceleration of pollution, which is a function of growth in terms of population and the economy generally, is inevitable. We have been faced, therefore, with not only cleaning up the backlog, but to try to stay current in terms of the fast pace of pollution. The current acceleration of pollution is complicated by new sources or discoveries of the effects of pesticides, as well as other new pollutants.

To add further to the dimensions of the task ahead, on January 1 of last year, the conference of State sanitary engineers indicated there were still some 5,672 communities which had either no sewage treatment facilities or grossly inadequate ones. The approximate number of people served by these communities was in excess of 35 million. It is noted from the yearly commentary of the conference that the number of people involved has not reduced significantly from the previous year.

We applaud the effort of H.R. 3988 in seeking to combat one of the most general and persistent problems of pollution control, that is the intermingling of storm and waste sewers. Section (6) authorizes appropriations for the fiscal year ending June 30, 1965, and for each of the next succeeding fiscal years the sum of \$20 million per fiscal year for the purpose of making grants under this section. No grants shall be made to any projects in the amount exceeding 5 percent of the total amount authorized by this section in any one fiscal year. These amounts will remain available until expended. Also, the general limitations of these Federal grants provide that no project may receive a grant unless it has been approved by the appropriate State water pollution control

agency and by the Secretary; that no grant shall be made to any project in an amount exceeding 50 percent of the estimated regional cost; and that no grant shall be made unless a showing can be produced at a useful demonstration of a new improved method for properly treating and/or controlling the discharge of combined storm and waste.

Section (4) of the measure amends the Federal Water Pollution Control Act to increase the amount of Federal matching funds for any one project from \$600,000 to \$2 million and in the case of a project which serves more than one municipality, an increase from \$2,400,000 to a maximum of \$6 million.

Under the basic statute \$100 million, for each fiscal year ending with June 30, 1967, is the total Federal expenditure for such grants. Because of the significant problem of trying to clean up the backlog as well as coping with the accelerated rate of pollution of the present and future we would hope that the authorization could be increased to an amount greater than \$100 million as now authorized by the basic statutes. From the adjustments made in the individual construction grants and the combined grant for more than one municipality there is also a bonus that may be granted by the Secretary under the provisions of section (4) of H.R. 3988 for any project that has been approved by an official, State, metropolitan, or regional planning agency in order to achieve metropolitan or regional planning for such a metropolitan area. With the significant increase of this amount, plus the increase in individual construction grants it would appear that the authorizations for the total program should be increased in somewhat similar proportions. This would suggest an increase in appropriations to \$250 to \$300 million, when we further consider, that as of December 31, 1964, we had 1,500 projects totaling \$185 million all ready to go, then the present \$100 million appears most inadequate.

V. WATER QUALITY STANDARDS

Conservation organizations have been concerned about the use of standards as they have been developed and administered by some States. We have no objection to the Secretary being empowered to establish standards, provided that such a procedure does not reduce water quality. By the terms of section (5) in H.R. 3988 it may well be questioned whether the implementation of establishing water quality standards by the Secretary, after giving every opportunity for the State to first establish these standards, would not become an invitation to pollute. If this should lead to the same classification procedures within any State there may well be a tendency for some States to designate certain streams as used primarily for the assimilation of waste and to clean only certain designated streams.

In all instances the establishment of water quality standards as set forth in section 5 of the House bill as well as section 5 of the Senate bill clearly indicates the intent of the Congress. This is meant to be a procedure by which water quality standards will be upgraded, not downgraded. Certainly the intent of the Senate in acting favorably on S. 4 left no doubt that the purpose of section 5 was to increase the water quality by means of these standards and not decrease it. If the States, however, should promulgate a system of water quality standards that are well below what the Secretary has in mind, then there will be a considerable effort to negotiate the differences. We would hate to see appropriate standards compromised because of strong pressures from the State organizations, who favor lower standards.

We would be the last to suggest that the offered provisions of section 5 for establishing water control standards are totally without merit. One of the most effective arguments in support of this procedure is the opportunity for the Secretary to establish standards on rivers where little or no pollution has taken place and by setting standards could have the effect of stopping pollution before the fact. If pollution does occur after such standards are promulgated it would appear to be axiomatic that the enforcement procedures would have the standards as *prima facie* evidence with which to deal. Thus, established water quality standards could have the effect of prohibiting rather than the present method of enforcement which requires pollution to be in evidence before the Secretary is able to act.

It should be pointed out that the Secretary's authority to act upon his own initiative is limited to interstate waters. At this point there has been considerable discussion and debate in the other body as to how much the powers of the Secretary have been increased. It appears to us that there has been a constant confusion between the procedures of enforcement and the procedures of establishing water quality standards.

The establishment of water quality standards appear to be set forth on page 7, line 11, of H.R. 3988, which states "* * * in order to carry out the purposes of this act the Secretary may, after reasonable notice and public hearing and in consultation with the Secretary of the Interior and with other Federal agencies, with State and interstate water pollution control agencies, and with municipalities and industries involved, prepare regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof." The law further requires that "the Secretary call a public hearing on his own motion or when he is petitioned to do so by the government or the Governor of any State subject to or affected by the water quality standards. The Secretary shall promulgate these standards * * *" only if within a reasonable time after being requested by the Secretary to do so the appropriate State and interstate agencies have not developed standards found by the Secretary to be consistent with the fact. It would appear that the Secretary in a real sense is not exercising any more power than he has at the present time with the possible exception that under the present statutes there is no provision for establishing the standards on interstate streams and rivers where no enforcement action is contemplated. The standards established by the Secretary must meet the same tests that he must now meet in determining enforcement cases. It would be presumed that the standards would not be questioned or challenged unless there was a violation of such standards and in such an event they would ultimately receive judicial review.

It should not be suggested that the establishment of standards and the enforcement action are not related. They are related since standards could be used as a tool in a possible enforcement action. To say the procedures of establishing both are the same, however, is not correct.

The Secretary under existing statutes can on his own motion in interstate waters initiate procedures to effect abatement of pollution. The procedure is quite clear as established by the Statute. The first procedure requires the Secretary to call a conference. The conference must include all interested States, interstate agencies, industries, and municipalities. The conference establishes the fact and then reports to the Secretary with recommendations. The Secretary then reports to the interested parties and provides for a minimum 6 months to carry out the conference report. If there is a failure to act, the Secretary may then convene a hearing board. When the hearing board is convened, each State involved can appoint a member and they in conjunction with the Federal Government hear all interested parties. At the completion of the hearings the board files with the Secretary the conclusions about the condition of pollution and the procedures to be taken in order to abate such pollution. The Secretary then sends these recommendations to the States and interstate agencies allowing a 6-month period in order for them to comply with the report. If there is a failure to act the Secretary then may, at the end of the period of 6 months ask the Attorney General to invoke the judicial process. It is only at a this point that an adversary procedure is formally established. During the past 19 months 15 important conferences were called under the Water Pollution Control Act and actions taken involved 22 States, about 600 industries, some 400 municipalities, and thousands of miles of streams. This indicates an acceleration of enforcement action since the total enforcement actions taken, since the inception of the act of 1956, has been 34. It should be further pointed out that of all the 34 enforcement proceedings only 1 case went to the court.

The enforcement procedure as outlined above has not been changed by the proposal in H.R. 3988 or S. 4. The establishment of water quality control standards, however, is a technique of enforcement, but no new or significant powers have been granted the Secretary by his being authorized and directed to establish water quality standards under the provision of this act. At the present time the Secretary has the authority on interstate streams to initiate enforcement proceedings. Obviously to initiate enforcement proceedings some decision has to be made as to the extent the pollution is to be abated. When one makes that determination they do so in accordance with some standards. Whether this is published before hand or whether it is the result of an enforcement proceeding does not seem to effect the power of the Secretary one way or another.

CONCLUSION

Mr. Chairman, it has been a long hard road in determining appropriate and efficacious procedures for water pollution control. Certainly, no other man has a greater right than does the chairman to point with considerable pride to the

enumerable accomplishments that have been made as a result of his ground-breaking efforts several years ago. We feel at long last that, though the successes in the past were monumental in terms of the odds against them, we are at the very threshold of a very significant breakthrough in achieving a program that will indeed have for the first time a real opportunity to clean up the backlog and come close to keeping pace with the rapid increase of pollution of a modern civilization. Perhaps for the first time we can be in a position to prevent pollution before and not after the fact.

I thank the chairman and members of the committee for this opportunity to appear in behalf of H.R. 3988.

STATEMENT BY THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

The League of Women Voters of the United States is glad that amendments to strengthen the Federal Water Pollution Control Act are receiving consideration so early in the life of the 89th Congress. We are sure that public interest and concern about water is greater than ever before. League members know that citizens have long been deeply concerned about the health aspects of their water supply, but now we see a broader interest developing, a concern for water quality as it affects our total environment.

The League of Women Voters is constantly urging local and State governments to work responsibly for improved water quality. Local leagues in many parts of the country try hard to build community support for bond issues to build sewers and sewage treatment plants. Many State leagues put much effort behind legislation for stronger State control of municipal and industrial pollution, larger funds for enforcement agencies, State grants for treatment plant construction. One State league is supporting mandatory certification of sewage plant operators.

At the same time, the league thinks that gradual strengthening of Federal water pollution control programs has been and will continue to be important to water quality improvement. We have supported amendments to strengthen the Federal Water Pollution Control Act in the 86th, the 87th, and the 88th Congresses. We would like to go on record in support of amendments under consideration today.

We think it desirable that an affirmative statement of purpose be included in the act, as H.R. 3988 provides.

We wholeheartedly support the bonus to encourage treatment plant construction in accord with a metropolitan plan. Many leagues have interested themselves in metropolitan problems and/or in development of a particular service for a metropolitan region. Their experience has convinced league members of the necessity for areawide metropolitan planning.

We endorse the proposal in H.R. 3988 for a higher ceiling for individual projects and for projects that will serve several municipalities. League members have found in their home communities that the present dollar maximum serves as a real inducement only to smaller municipalities. We expect middle-sized cities to benefit most from the change, for even the higher ceiling proposed will not supply enough Federal aid to make an appreciable difference to really big cities like New York, Chicago, or Philadelphia.

We are glad to see that a beginning is being made on the problem of combined sewers.

The league has no position for or against transfer of water supply and pollution control responsibilities of Health, Education, and Welfare to a separate administration within that Department, but we would like to raise one question. Can an agency be strong enough to carry out the responsibilities for enforcement of Public Law 660 if all other present important means toward attaining better water quality (research, investigation, training, information, grants for research and development of combined sewers, grants for water pollution control programs, and construction grants for treatment plants) are separated from enforcement and retained in the Bureau of State Services as the bill passed in the Senate (S. 4) would permit? Will such division of services be a move toward worse rather than better coordination?

The league is neither supporting nor opposing authorizing the Secretary to set Federal stream standards. It is not that we are worried lest this provision unduly increase Federal participation in pollution control. We understand that under the proposals in H.R. 3988 Federal stream standards will

be established only where States do not themselves assume responsibility for setting water quality standards which protect public health and welfare and adequately prevent, control, and abate pollution. As we said in our testimony to this committee in 1963:

"The League of Women Voters of the United States does not regard the Federal Government as the enemy of the States. We are convinced that if localities, States, and interstate agencies get on with the job of cleaning up the water, they need not worry about Federal interference under the amendments proposed."

However, the league is concerned about stream standards in another way. Reports from State and local leagues have shown that setting standards for sections of water does not necessarily mean protection or improvement of water. Standards lead to classification which often perpetuates existing poor conditions and becomes a tactic to delay improvement. We think that there were States where expenditure of the same amount of money, time, and effort on enforcement, grants, or technical assistance might have been of more practical benefit than standard setting. Violation of a technical standard is difficult for people to follow. It is for experts, not for the public, and so community interest lags. Yet, public opinion is the most important lever of a democratic society. If Federal stream standards are authorized by H.R. 3988, we hope the legislative history will show a clear intent to upgrade water quality thereby.

LOUISVILLE, KY., February 22, 1965.

HON. GEORGE H. FALLON,
House Office Building,
Washington, D.C.:

The Louisville Chamber of Commerce has read H.R. 3998 and S. 4, a bill to amend the Federal Water Pollution Control Act. We oppose this bill because it centralizes excessive authority in the Secretary of the Department of Health, Education, and Welfare by giving him the power to promulgate stream standards and a few men might have the power to arbitrarily zone various areas of the Nation for industrial and nonindustrial uses, thereby influencing the economic development favorably or unfavorably in large regions.

HENRY V. HEUSER,
President, Louisville Chamber of Commerce.

AMERICAN MEDICAL ASSOCIATION,
Chicago, Ill., February 22, 1965.

HON. GEORGE H. FALLON,
Chairman, Committee on Public Works, U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FALLON: On behalf of the American Medical Association, I would like to take this opportunity to submit for your consideration our views on S. 4 and H.R. 3988, 89th Congress, bills which would amend the Federal Water Pollution Control Act.

The American Medical Association has supported constructive legislative measures which give promise of conserving and restoring the Nation's water supply. Our interest is understandable since nearly half our population depends on surface waters for drinking purposes.

Water pollution, in our opinion, is primarily a health problem, since the necessity for insuring an adequate supply of pure water is based on human needs. We also fully recognize that water quality is a principal concern of such other interests as recreation, industry, and reclamation.

Since the health aspects of pollution control will remain dominant in the years ahead because of the biological characteristics of the ever-increasing number of water pollutants, we believe the Public Health Service is the proper agency to supervise the control of water pollution. We are constrained, therefore, to voice our strongest possible opposition to section 2 of both S. 4 and H.R. 3988, which would remove this responsibility from the Public Health Service and establish a separate Water Pollution Control Administration.

The establishment of a separate Water Pollution Control Administration cannot, of itself, result in more of an improvement in water pollution control than is presently obtained. While it may be argued that in time the proposed new agency may hopefully reach the degree of efficiency now employed by the Public Health Service, what will have been achieved that does not already exist?

For some 53 years, since 1912, the Public Health Service has been engaged with problems of water quality and supply. As a result, typhoid fever, cholera, and other water-borne diseases are no longer a threat in this country. During this period, through research, surveys, and planning, much valuable experience has been gained. Cooperative relationships with other Federal agencies, with State and local bodies concerned with water quality, and with industry have been developed. In short, the Public Health Service has been able to develop comprehensive programs which, with congressional support, have brought about great improvements in our water quality control programs in the recent past.

Section 2 of S. 4 will surely damage this rapidly emerging pattern for success by fractionalizing the program into two separate Federal agencies. Water pollution control is dependent upon the talents and skills of a number of the divisions and personnel within the Public Health Service. Splintering this program would cut the heart out of effective and efficient water pollution control efforts and would inescapably do harm to the well-being of our people.

Research would be separated from the application of its fruits. Surveys and studies which are now conducted to elicit information on a variety and number of water problems, including that of pollution, would necessarily halt, or at least be diminished in effect.

Section 2 of H.R. 3988 would, in our opinion, be even more detrimental. The head of the new Federal Water Pollution Control Administration would administer, under H.R. 3988, all the provisions of the Water Pollution Control Act. In other words the principal Federal health agency would be completely removed from any responsibility for water pollution work even though water pollution is primarily a health problem.

Those who favor a separate pollution control administration argue that the Public Health Service is too health oriented—that it is not cognizant of the recreational, agricultural, industrial, and other uses of water. But they offer no proof.

The proponents also argue that the Public Health Service is more scientifically oriented than enforcement minded. While this may be true, the committee is aware of the success of the Public Health Service in obtaining compliance. Enforcement is important, but compliance is more desirable in a program which calls for cooperation on Federal, State and local, and industrial levels. And the compliance statistics are impressive.

The personnel to staff the new agency must necessarily come from the Public Health Service Division of Water Supply and Pollution Control. There are some 1,100 persons employed in that Division, including about 370 commissioned Public Health Service officers. While there is precedent for the temporary assignment of officers, never before has such a mass transfer been contemplated. The commissioned corps of the Public Health Service are men who have sought careers in the Service and whose commissioned status insures that the transfer can only be one of a temporary nature. Since, then, these assignments must be temporary, it follows that the new agency would soon be in competition with the Public Health Service for sanitary engineers.

We suggest that the committee review the survey conducted by the steering committee of the State and Interstate Water Pollution Control Administrators. The poll of the members showed that the overwhelming majority, 46 to 3, opposed the establishment of a separate Federal Water Pollution Control Administration. (Senate hearings on S. 649, 88th Cong., p. 102.)

In conclusion, after careful consideration of the ramifications of this provision and of its probable deleterious effect on the Public Health Service and the health of the public, the American Medical Association respectfully urges that your committee reject section 2 of S. 4 and H.R. 3988, 89th Congress, and any similar provisions in other legislation which may be before your committee.

I will appreciate your arranging for this letter to be made part of the record of your hearings.

Sincerely yours,

F. J. L. BLASINGAME, M.D.

3M Co.,

St. Paul, Minn., February 22, 1965.

Hon. JOHN A. BLATNIK,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: Recently a bill identified as Senate bill 4 was introduced in the House of Representatives, and referred to your Committee on Public Works. This is an act proposed to amend the Federal Water Pollution Control Act for the purpose, among others, of providing grants for research and development to aid in preventing, controlling, and abating pollution of interstate waters.

Section 6 of that bill, concerning grants for research and development, contains language which requires that all patents resulting from the research and development activities under these grants will be made freely available to the general public. Minnesota Mining & Manufacturing Co. wishes to make a statement for the record expressing itself as opposed to the inclusion of such broad language in the Water Pollution Control Act, and as convinced that the public interest is best served by retention by the Government of a royalty-free, nonexclusive license for Government purposes.

As a taxpayer, 3M Co. has a strong interest in making certain that public money is spent wisely and efficiently. When such money is spent for research and development to be carried out under contract, it is important that the best qualified organizations, having a background of successful research, possessing up-to-date equipment and facilities, and staffed by experienced, well-trained, and competent scientific personnel, be employed. Such organizations are the most likely to arrive at a solution of the problems involved in the research work, with a minimum of expenditure of time and effort. Aside from other considerations, it will be immediately apparent that by using experienced, well-trained contractors, the time required and corresponding costs incurred for reaching the goal which is set will be reduced at least by that period of time and expense which is necessary to educate the personnel and to acquire facilities where the contractor is not active in the field of the research effort. Contractors meeting the requirements set forth above are successful, going commercial organizations whose success is based in large measure on their own research and development efforts.

It has been the experience of 3M Co. that patents granted on inventions made by its employees on company-sponsored research efforts have been instrumental in permitting the growth which has led to 3M Co.'s position today. At the same time, a reservoir of ideas, yet to be exploited, is available, from this experience upon which future research work can be based.

The successful business organization, in 3M's experience, can utilize its research and development activity to further its own business to provide a far greater rate of return than that afforded by the fees in Government research and development contracts. It must be recognized that when scientific personnel carry out such Government R. & D. contracts, their services are lost to the organization for that period of time in which they work on the Government contract. Likewise, the facilities are also taken from the more profitable work of the corporation. For these reasons, it is important that incentives, in addition to the fee, be permitted to the Government R. & D. contractor. One important incentive is the right to own the patents on inventions which are made in the performance of the work of the contract.

In all cases, 3M Co. believes, the interests of the Government are adequately served by reserving a nonexclusive, royalty-free license under such patents for Government purposes. It is not necessary that the Government have such a license before using any patented process or item. The Government can do so without a license. The recourse provided to the patent owner is a suit in the Court of Claims under 28 U.S.C. 1498. Nevertheless, a license gives the right to use the invention without further payment for Government purposes, as well as avoiding litigation, and is desirable for this reason.

Granted the ownership of such patents, the contractor, with his background know-how and facilities, is in the best position of anyone for commercializing the patented subject matter at lowest cost and in the shortest time. Thus, if the invention can be commercialized, it will be made available to the public at the earliest moment.

Can it be overlooked that as to any item thus commercialized, the Government is in partnership with the producer to the extent of half the profits? It is submitted that there is a sound logical basis for the view that by granting

ownership of patents to its contractors, the Government has the greatest likelihood of getting highly qualified contractors to carry out its R. & D. work together with the prospect of actual benefit to the public from tax revenues.

The policy of making patents freely available to the general public does not expressly touch upon the matter of foreign manufacturers or of foreign patent rights. Yet this is also an important consideration for the U.S. public. It is well known that foreign manufacturers often can produce items for far less cost than the U.S. manufacturer. If the information, which is the subject matter of this discussion, is made freely available, it will also be available to foreign concerns. It is then likely that no U.S. manufacturer will be able to compete with the foreign producer in such a way as to recoup his costs of commercialization. This is not the way to bolster U.S. economy. It can have an unfavorable influence upon our balance of trade.

Rights to foreign patents, and the possibility of establishing a patent position in foreign countries, also can have material effects on the U.S. economy. Many of the dollars received by foreign subsidiaries of U.S. manufacturers find their way back to this country. This should not be overlooked or lightly set aside without study.

The above considerations are believed to be of such importance that they warrant a full and complete hearing on this subject matter. The immediate and emotionally appealing aspect of "giving the public what it pays for" must not be allowed to blind us to the long-range implications of this program. Hasty action at this time may be highly detrimental in the overall sense. It is therefore requested that there be an opportunity given for a full and complete discussion of this and related problems before the House votes upon this measure.

Yours very truly,

ROBERT H. TUCKER,
Vice President and Secretary.

WATER POLLUTION CONTROL FEDERATION,
Washington, D.C., February 23, 1965.

GEORGE H. FALLON,
*Chairman, House Committee on Public Works,
U.S. House of Representatives, Washington, D.C.*

DEAR SIR: Inasmuch as it has been impossible for us to have a place on the hearing schedule now being held by your committee on the bills amending the Water Pollution Control Act, we are accepting the general invitation to present written testimony.

The Water Pollution Control Federation is a nonprofit member organization devoted to the sound regulation and technology of water pollution control. Through its monthly journal and its 13,000 paid journal member-subscriptions, at least 40,000 persons in the field are served in their direct effort to control water pollution by domestic and industrial waste waters in the United States. Persons served include those engaged in administration, regulation, planning, management, research, design, construction, and operation of water pollution control works for industry as well as the public.

The federation greatly appreciates the interest of the Congress in the water pollution control field and wishes to do all possible toward effective and equitable control of water pollution throughout the 50 United States. Toward this end the following comments are made on the legislation before your committee. The specific section numbers used in the following paragraphs are taken from S. 4 as passed by the Senate on January 28.

Section 2 would establish a new Federal water pollution control administration in the Department of Health, Education, and Welfare outside the Public Health Service. Because of its relation to protection of public health, the federation restates its preference to keep this activity in the Public Health Service. This position is not a choice made for the purpose of this hearing but is taken from the statement of policy of the organization which its board of control prepared nearly 5 years ago. It was written in the belief that the Public Health Service had the administrative and technical competence to fulfill the purposes of the Water Pollution Control Act. In other words, the federation believes that the present organization of the Public Health Service is making the most of the present appropriations for administration, research, and construction grants. These appropriations, rather than the form of organization charts or the personalities filling them, will largely govern the rate of the Nation's water pollution control progress.

Section 4 of the act would increase by two-thirds the maximum amounts of dollar grants available to individual and group projects. In order for this to be fully effective, the federation urges that the total appropriations made available for construction grants be increased by a like proportion as a minimum.

Section 5 would strengthen the Federal Government's hand on the matter of setting water quality standards. This does not seem consistent with section 1 of the Water Pollution Control Act which declares the policy of Congress "to recognize, preserve, and protect the primary responsibility and rights of the States in preventing and controlling water pollution." It does not seem realistic to diminish the responsibilities of the States in this connection and at the same time expect the States to pursue a greater rate of activity in water pollution abatement. Because of the local nature of water quality, there is strong logic in keeping standard setting as close to the local scene as possible. The present law keeps the Federal Government in a position where action can be taken if necessary by the Federal Government. Since this has had a relatively few years for operation, more experience should be gained before material changes are made.

These views are recorded and presented in line with actions of the federation statement of policy which is attached hereto. The attention of your committee is earnestly invited to the fact that the water pollution control problem in the United States will be solved by continued stimulation of, and financial assistance to, communities as well as industries for works design, construction and operation, and support of research work that will continually advance the technological frontiers in the field. The federation pledges its full and continued support for such an action program.

Sincerely yours,

RALPH E. FUHRMAN, *Executive Secretary.*

STATEMENT OF THE AMERICAN PUBLIC HEALTH ASSOCIATION

On past occasions, the American Public Health Association has presented its views relative to legislation proposing amendments to the Water Pollution Control Act to the House and Senate Committees on Public Works. It has been and continues to be the opinion of the APHA that portions of such proposed legislation, specifically a new Water Pollution Control Administration and the broadened standards setting authority, are not only unnecessary but are, in fact, not in the best interest of the Nation and its efforts to control water pollution. The position is based on careful and thorough study of the progress which has been made since the enactment of Public Law 660 in 1956 which for the first time involved the Federal Government in support of construction of facilities to abate water pollution. It is further based on the firm conviction that this program is best administered by persons who are professionally and technically competent and knowledgeable of all problems pertaining to water pollution control, not simply nor exclusively those factors which pertain to human health. Although there is a growing threat to the public health aspects of water pollution control through proliferation in the use and numbers of biological and chemical substances, our interest includes the entire range of the water interests of the Nation. It seems apparent, however, from recent developments that our position is shared by a minority of the Congress. It appears that there will be established a separate entity to administer the water pollution control program. We question neither the sincerity nor motives of supporters of this action. But we believe that placing the program in what would appear to us to be a position far more susceptible to pressure group manipulation will result in great difficulty in the logical and proper prosecution of our Nation's water pollution control program. We are greatly concerned by this prospect because it is impractical to separate enforcement, comprehensive programs, and certain research activities from the total water pollution control effort.

We respectfully point out to the committee and the Congress that water pollution is not abated by the passage of laws nor the creating of administrations. It is our view, contrary to the opinion of some, that the record of pollution abatement under the aegis of the Public Health Service is one of significant, tangible, measurable accomplishment. A level of \$800 million in construction of waste treatment works was reached in 1963. We believe this a signal accomplishment as did the Federal Water Pollution Council Advisory Committee who voiced their commendations upon the achievement. And the Advisory Com-

mittee, at the time of taking this action, had not one member representative of a public health department. This PHS program, almost criminally neglected for years and even now underfinanced, turned a former trend of rampant pollution into a "holding our own" situation and is now regaining lost ground. It must be remembered that but a decade ago the appropriation for the PHS water quality and pollution control activities totaled but \$1.2 million. Compare that amount with the \$57.8 million expended in 1961 and even more sharply does the contrast become when viewing the 1964 appropriation of approximately \$136 million. In all candor, it must be pointed out that from this point on with continued and increased congressional support and public interest, the results of abatement efforts should grow increasingly better irrespective of who administers the program.

When this effort was begun in 1956, and it started from scratch, great effort was required to acquire the staff necessary to begin the program and to gain momentum for nationwide coverage. This is the period through which the Public Health Service, State public health agencies, and State water pollution control agencies worked and suffered agonizingly. Ironically, they are now being blamed by some for not having delivered in some miraculous fashion. This battle, like any other, will not be won without a long, tenuous period of building the necessary plants, the invaluable personnel, and the needed resources required for a successful operation. It is a matter of record, proven by many examples, that the required time between (1) a community or a city deciding by vote or the issuance of bonds, and (2) completion of a waste treatment works is often a matter of 4 or 5 years, sometimes even longer.

We in the APHA have found it difficult to understand the reasons for the apparent impatience on the part of some with the implementation of the program thus far. Members of the committee will recall that in 1961 when the most recent amendments to the act were passed the Secretary, HEW, was directed by the Congress to assume full responsibilities for the conduct of all aspects of the water pollution control program. Senator Ribicoff, then Secretary of the Department of Health, Education, and Welfare, assigned this task to his Assistant Secretary, Mr. Quigley, and placed the enforcement responsibilities specifically within his jurisdiction. This amendment became law of July 20, 1961, but only 18 months later, legislation was introduced to establish a Water Pollution Control Administration in HEW. This seems to us an inordinately short time to judge previous congressional action a failure. In addition, it seems of significance to the APHA that the then Secretary Ribicoff and the present Secretary Celebrezze have in turn stated that in their view they had sufficient powers under the law to administer the Water Pollution Control Act in an effective fashion. It seems significant, too, that in Secretary Celebrezze's letter in 1963 to the Senate committee he opposed establishment of a separate Water Pollution Control Administration and in his letter to Senator Muskie earlier this year and in comment upon S. 4, Secretary Celebrezze made no reference to the proposed separate Water Pollution Control Administration although he did speak specifically in favor of each of the other elements of the bill. It appears significant to us also that President Johnson in his message to the Congress on the natural beauty of our Nation did not in his recommendations for legislation on clean water even intimate that a new Water Pollution Control Administration was needed. He did, in fact, inform the Congress that he had instructed the Directors of the Bureau of the Budget and the Office of Science and Technology to explore the adequacy of present organization of pollution control and research activities. And, we recall that of the 51 witnesses who appeared before this committee in the last Congress and who voiced a position on the separate Administration for Water Pollution Control, 37 were opposed, including Assistant Secretary Quigley, the American Municipal Association, the Mississippi River Valley Association, and the Council of State Governments, none of which are exactly public health oriented or dominated. The PHS has most certainly been responsive to other than human health considerations in their conduct of this program. According to their reports on research activities for fiscal 1962, those clearly identifiable as human health related numbered 6 totaling about \$115,000 while those clearly identifiable as conservation related totaled 18 with an expenditure of approximately \$325,000.

The Congress must realize too that technology is a contributor to our pollution problem. It is at least an equal partner with the Congress in bringing about

corrective measures. Engineers and scientists, knowledgeable in the arts and science of water pollution abatement, are in short supply and in great demand. There are at present approximately 150 vacancies of professional personnel in the PHS water pollution control program despite the prestige of the organization and its ability to employ personnel through both the commissioned corps and civil service. We believe it most unlikely that a new, politically oriented administration could attract or retain needed technically competent personnel of higher caliber.

The APHA believes it unfortunate that the legislation presently under consideration by the Congress adds little to a greatly needed expanded research effort to cope with rapid scientific advances being made by our sophisticated society. In the face of this surging increase in technology, our capabilities to abate pollution as we know it today will soon be outdated. We believe it essential that greatly increased research activities be authorized and vigorously promoted in order to protect the health of the public and the recreational and conservation interests associated with clean water.

It is our further belief that increasing ceilings on grants for individual and multicommunity projects without a commensurate increase in the overall appropriation is not in the best interest of the program. We support increases in individual and multicommunity projects, but only if there is an increase in the overall appropriations. Treatment works and appurtenances sufficient for a large metropolitan area require expenditures in the range of \$100 million. Increasing the per-project authorization to \$2 million and raising the multimunicipal project authorization to \$6 million would be of assistance to specific projects; but, as the committee can see, this remains a somewhat minor part of the total expenditure required for major projects. It is our view that both the per-project authorization and the total authorization should be increased if a truly significant assault is to be continued on the water pollution problems of the Nation.

In respect to the water quality standards section of this bill, the APHA believes that there should be authority to prevent pollution before it occurs particularly in instances where it is desirable to protect so-called wild streams. It is our view, however, that the proposals contained in H.R. 3988 and S. 4 go far beyond the granting of this authority and would, in fact, put into the political arena decisions governing the economic life of communities, of States, even of regions involved with interstate rivers or portions thereof. This, the committee will agree, includes most of the significant waters of our Nation.

In summary, the APHA believes that programs of truly gigantic proportion are required to continue or preferably to accelerate abatement of water pollution in our Nation. We believe that significant progress has been made in recent years and is continuing at present. We believe that with continued, and hopefully, accelerated Federal support of efforts to abate water pollution, prospects for the future are heartening, irrespective of the governmental entity responsible for the administration of the program. We believe that for the most desirable results administration should remain with the technically competent, highly respected, and successful Public Health Service at the Federal level and with the public health agencies of the States. After much study, we can but conclude that these favoring transfer of this program to a political administration are doing an injustice to their own sincere objectives. Changing the bureaucratic level of an operation may help to give it increased visibility, but unless the program substance and imperfections are improved such visibility will not be ameliorating. We oppose particularly the creation of a new Water Pollution Control Administration. If it is the wisdom of the Congress that the political level is to be responsible for political decisions and the professional agency is to be responsible for the scientific work upon which decisions should be based, then there should be not only provision but the requirement that the professional agency publish its findings so that there can be an appropriate distinction between the scientific situation and the political exigencies.

We feel a great responsibility to express constructive views on water pollution control, the major justification for which remains the protection of the public's health, and we shall persist in our conviction that protection of human health is at least as important as protection of fish and game.

NATIONAL LEAGUE OF CITIES,
Washington, D.C., February 24, 1965.

HON. GEORGE H. FALLON,
*Chairman, Committee on Public Works,
House of Representatives, Washington, D.C.*

DEAR MR. FALLON: We are pleased to submit the following statement of the National League of Cities on legislation currently pending before your committee. We ask that the statement be made a part of the committee's record on H.R. 3988, S. 4, and related legislation.

The National League of Cities (formerly American Municipal Association), representing 13,000 municipal governments across the Nation, has a consistent record of support for constructive legislation aimed at the reduction of water pollution. On behalf of the city governments of the United States, the league has welcomed Federal interest and assistance in this most vital field. Construction grant assistance, research, enforcement assistance, and the other phases of the water pollution control program, have increased the tools available to the cities for the task of preserving and developing the water resources which are so vital to the urban population.

We reviewed with interest, therefore, H.R. 3988 and S. 4, when these bills were introduced. There is much in both bills which will add to our resources to deal with water pollution. There is also much in both bills which the league supports as a matter of policy.

H.R. 3988 and S. 4 both propose an increase in Federal participation in individual construction projects, combined (multimunicipal) projects, as well as establishing a 10-percent incentive increase for projects in conformance with comprehensive sewage treatment plans for the area. These proposals are directly in line with our policy which calls for a minimum of one-third Federal share of total project cost. It is clear that larger construction projects have, for too long, borne a disproportionate share of the costs at the local level. We support, therefore, that adjustment which these bills propose on this matter. We hope, however, that this issue will be reviewed in more detail in the near future and that further adjustments of the formula may be considered. We further note that the bills do not extend the expiration of the construction program nor increase the total construction grant funds available for apportionment to the States. Both of these matters should be undertaken in the near future. It is particularly imperative that more construction grant funds be made available beyond the present annual maximum authorization of \$100 million if the larger Federal participation formulas are to be meaningful. The present restriction on State allotment of construction grant funds does not meet the water pollution control need in populous States. A larger annual authorization for construction grants would allow individual projects to receive more Federal funds without detracting from the total number of projects which may be undertaken in a State.

The league supports comprehensive planning for sewage treatment. We believe the incentive proposed in the legislation would aid in achieving this goal. It is, in our judgment, a proper use of Federal funds.

In August 1964, the Water Resources Committee of the National League of Cities considered then current proposals relating to the problem of pollution from combined storm and sanitary sewer systems. The committee approved the following statement on the problem:

"The Congress is urged to continue and expand the 1956 Water Pollution Control Act by providing authorization and appropriations for Federal grants to municipalities for the purpose of assisting in the development of projects which will demonstrate new or improved methods for the control of pollution from mixtures of sewage and storm water discharged into any waters from combined sewer systems."

This position was unanimously adopted by delegates representing all of our member municipal governments. It is clear, therefore, that we support the proposed research and demonstration grant program of H.R. 3988 and S. 4 relating to combined storm and sanitary systems.

Our national municipal policy contains the following language concerning the question of enforcement:

"The Federal Water Pollution Control Act Amendments of 1961 provide a comprehensive definition of the Federal Government's role in the control of water pollution, extend Federal pollution control on navigable waters and strengthen Federal enforcement authority. Municipalities are accorded a measure of partnership with Federal and State authorities in the enforcement process. The

Congress is commended for great progress in the field of water pollution control and in the development of research, technical, and enforcement facilities supporting, but not duplicating, municipal and State activities."

It is our belief, therefore, that section 5 of H.R. 3988 and S. 4 proposes a standards and enforcement section which conforms to this statement. The legislation would empower the Secretary of Health, Education, and Welfare, in consultation with State, interstate, and local pollution control agencies, to establish water quality standards for interstate waters in the absence of State standards or after a finding that State standards are inadequate. This maintains State and local participation in the direction of standards establishment and enforcement.

The matter of administration of the water pollution control program appears to be the only significant difference between the two bills. H.R. 3988 proposes that the entire program be placed in a new water pollution control administration, while S. 4 proposes that certain parts of the program be placed in a new administration. The national municipal policy relating to program administration contains the following proposal:

"The Congress is urged to continue and expand the 1956 Water Pollution Control Act by the establishment of a national office of water pollution control. The responsibility of the national office should include national leadership and direction of a national water pollution control program as directed by the Congress under the Federal Water Pollution Control Act, as formulated and recommended to the Congress from time to time by the House and Senate Committees on Public Works. An Assistant Surgeon General Engineering Officer of the Public Health Service should be assigned by the Surgeon General as the Director of the National Office of Water Pollution Control. The Director of the National Office of Water Pollution Control should be directly responsible to the Surgeon General, under the general delegation and supervisory authority of the Secretary of the Department of Health, Education, and Welfare, as now provided under existing law. To make effective such delegation and supervisory authority of the Secretary there should be authorized an additional Assistant Secretary of the Department of Health, Education, and Welfare."

Our policy, moreover, makes this statement concerning the work which the Public Health Service has done in this important program:

The Public Health Service has acquired an especially competent staff of water pollution control engineers and scientists. As demonstrated, given resources, it can plan and administer in collaboration with State and municipal governments, on other interests an effective national water pollution control program which gives full consideration to all water uses. The Federal water pollution control program, therefore, should be maintained as a major operating unit in the Public Health Service, reporting directly to the Surgeon General.

We request, therefore, that the committee consider amending the bills accordingly. We do believe, however, that S. 4 is the more preferable of the bills measures on the matter of administration. Our judgment on this matter is derived from the satisfactory experience which cities have had in working with the Public Health Service in the effort to control water pollution. We feel that the Public Health Service experience and personnel in this field should be kept active in the program. We suggest that the complete elimination of the Service from the program would immeasurably retard efforts aimed at eliminating water pollution.

We respectfully submit these views on H.R. 3988 and S. 4 for the consideration of the committee.

Sincerely yours,

PATRICK HEALY, *Executive Director.*

THE NEW ENGLAND COUNCIL
FOR ECONOMIC RESEARCH AND DEVELOPMENT,
Boston, Mass., March 3, 1965.

HON. GEORGE H. FALLON,
Chairman, Committee on Public Works,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FALLON: On behalf of the New England Council, I would like to take this opportunity to submit for your consideration our views on S. 4, as passed by the Senate, and H.R. 3988, similar bills to amend the Federal Water Pollution Control Act.

The provisions of these two bills have been the subject of thorough and extensive hearings and it is not necessary for us to review them in detail. However, we would like to discuss certain aspects of the bills which we believe deserve the careful attention of your committee.

Section 5 of the proposed Water Quality Act of 1965 would grant the Secretary of Health, Education, and Welfare authority to establish water quality standards designed to enhance the quality of interstate waters. In establishing such standards, the Secretary is required to consider the use and value of such interstate waters for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. Such standards shall be published only if, within a reasonable time after being requested by the Secretary to do so, the appropriate State and interstate agencies have not developed satisfactory standards.

The authority provided by this section involves extremely complicated and complex issues relating to the public interest. One difficulty in establishing water quality standards is that a stream in its natural state varies considerably from its source to its mouth. In addition, the water quality standards which are appropriate vary according to the use which is to be made of the water. Accordingly, water which is usable for one purpose may well lose its desirable qualities for another use. Because water flowing from its source to its mouth changes in its composition and nature several times, the difficulty of establishing any uniform standards is accentuated.

It is with knowledge of the complexity of this matter that it has long been a firm tenet of public policy that primary responsibility in setting water pollution standards should properly rest with appropriate interstate and State bodies which possess intimate knowledge of local conditions.

For example, the New England Interstate Water Pollution Control Commission, in existence since 1947 and representing the States of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, has based its water pollution control efforts on a system of water classification involving accepted water quality standards. Under the existing interstate compact each of the States pledges to maintain its waters consistent with the highest classified uses adopted. The compact provides a method for classifying interstate waters according to uses which will best serve all the interests concerned—industrial development, population growth, and recreational opportunity, among other things. Each State assumes responsibility under the compact to obtain action by municipalities and industries to install facilities to meet the classification requirements. Under this system of interstate cooperation impressive progress has been made in abating water pollution. It should be noted that in the matter of classification almost all interstate waters in the seven-State area have been approved by the interstate commission.

It is with this record of achievement in mind that the New England Council believes that the Federal Government in exercising any new authority should, whenever possible, defer to the action of interstate and State groups in their exercise of judgment as to what water classification best reflects local needs.

It is not possible in this brief statement to develop a detailed or adequate set of guidelines which should govern the operation of any standards which are applied—whether the standards are Federal or State in origin. It must be emphasized, however, that it is of major importance that the practicability and economic feasibility of obtaining uses of significance in the public interest be considered at the earliest possible time. In this connection, we need to have a thorough study and better information on the ability of individual industries to comply with standards which are set. Possibilities for special Federal aid to help industries meet required standards should be considered, such as special low interest Federal loans or tax relief to encourage the construction of necessary treatment plants. There can be no question that the cooperation of industry is essential if a successful water pollution control program is to be mounted. There is a basic need to encourage and stimulate industry cooperation and participation. We are concerned with the possibility that Federal standards might be promulgated before adequate attention has been given for developing a sound program of Federal assistance to affected industries.

Considerable attention has been devoted to the adequacy of the review accorded water pollution standards to determine their practicability and economic feasibility. As we understand it, an industry or other interested party can test the standards if an abatement proceeding is initiated and court review is sought.

However, it would seem preferable if these standards could be reviewed prior to a punitive court action. We urge the committee to consider with care the adequacy of the proposed legislation in this respect.

We would hope that it is not necessary to invest considerable Federal staff, time, and money in the establishment of broad standards which may or may not properly reflect the interests of an interstate or State area. Rather we would prefer to have such resources directed toward assisting municipalities and industry in achieving goals that are, for the most part, already well defined by impressive on-going efforts such as the New England Interstate Water Pollution Control Commission represents.

To control our waters so as to achieve the proper mix of economic development, recreational, and household uses deserves the continued attention of those most familiar with local problems. Hopefully, the Department of Health, Education, and Welfare will view any new authority it is given to set standards as something to hold in reserve for use only in those unusual and extreme cases where appropriate interstate and State groups fail to meet their responsibilities.

There can be no question that the problem of water pollution poses a major threat to the maximum development of our natural resources. Only by the strengthened efforts of all levels of Government in close cooperation with private interests can we hope to conquer this severe problem. We believe that the record of the New England region has been noteworthy in the past and we know that the region will continue to bend its best efforts toward achieving the objectives expressed in the Water Pollution Control Act.

Very truly yours,

GARDNER A. CAVERLY,
Executive Vice President.

REMARKS OF STATE SENATOR JOHN H. DOERR, OF THE 55TH DISTRICT OF
NEW YORK STATE

Chairman Blatnik, Congressman McCarthy, honorable members, my name is John H. Doerr. I am the New York State senator from the 55th district which lies in the northern half of Erie County and is contiguous with the 39th Congressional District represented by Congressman McCarthy. It is no accident, therefore, that I share Congressman McCarthy's concern for the prevention and control of water pollution. I speak in favor of H.R. 4264.

The concern shared by Congressman McCarthy and myself—indeed, by all of the residents of the Niagara frontier whose livelihood is directly or indirectly affected by the Great Lakes—is prompted by the fact that if it were not for Lake Erie, Buffalo would not exist today as the center of one of the Nation's major industrial, commercial, and transportation complexes.

As I see it, this bill will substantially strengthen our efforts to deal with the critical problems of water pollution which already have materially jeopardized the economic vitality of our region. I am particularly impressed with the bill's provisions for creation of a Federal Water Pollution Control Administration for the funding of intensive research aimed at finding new and effective control measures and for the raising of limits on Federal assistance for control projects.

The members of the committee may be aware that the Governor of the State of New York has recently proposed an ambitious antiwater pollution program for the State. Admirable as this aim may be, I am persuaded that such a program runs the serious risk of costly and ineffective duplication of Federal activities, and when the Governor does submit specific proposals I intend to subject them to close scrutiny to eliminate duplication wherever possible. Further, I am convinced that by its nature, the problem of water pollution can only be effectively solved at the Federal level. Water pollution is no respecter of State boundaries.

The problems of water pollution in the eastern end of Lake Erie are, in some measure, the result of the lack of, or ineffective, pollution control by certain communities and industries in western New York. However, correction of these relatively few shortcomings would not really solve the total problem of pollution we face. The treasury of the State of New York could be drained to provide the most modern water treatment facilities and pollution-control systems within the boundaries of the State. And yet, our beaches on Lake Erie would still be closed; our industries would still be starved for clean, cool water and fully 25 percent of the waters of Lake Erie would still be incapable of sustaining marine life.

The real problem results from the aggregate of community and industrial effluents spewed into the entire upper Great Lakes system. But Buffalo and the Niagara frontier do not suffer alone. Fully one-third of this Nation is dependent in greater or lesser degree on the preservation of the Great Lakes as the world's greatest supply of fresh water and as the most economical route to the Nation's heartland for bulk commerce.

It is clear, therefore, that the fundamental problem of pollution in Lake Erie and in Lake Ontario cannot be solved by a competition between Albany and Washington which would be costly and fruitless.

I do not suggest, however, that the States do not have a proper responsibility in a comprehensive program of water pollution control. Clearly, it is the duty of the individual States to complement Federal efforts. It is surely their responsibility to work in harmony with Federal programs and to carry out the planning and intent of measures initiated by Federal authorities on a broad interstate basis.

This means then, that not only must the individual States be prepared to work hand in hand with Federal authorities on measures within their respective borders, it also means that lines of communication among the States must be established so that the efforts of each State may be coordinated into the total program.

To this end it is my desire to seek legislative action in our State capital to initiate a conference of State legislative representatives from each of the States bordering the Great Lakes—Minnesota, Wisconsin, Illinois, Michigan, Ohio, Pennsylvania, and New York. This conference would provide the forum for exchange of information and views on the most mutually beneficial steps to be taken in concert with the Federal program outlined in this bill.

The end result, it seems to me, can only be an ideal Federal-State partnership.

In closing then, may I urge your honorable committee to give a favorable report to H.R. 4264 so that this critically needed legislation can begin to render benefits during this calendar year.

DEPARTMENT OF HEALTH,
Baltimore, Md., March 17, 1965.

HON. GEORGE H. FALLON,
House of Representatives,
Rayburn Building, Washington, D.C

DEAR CONGRESSMAN FALLON: I appreciate very much your cooperation in allowing us to present a statement in behalf of our opposition to S. 4 which would transfer the Water Pollution Control Administration from the U.S. Public Health Service to a new office in the Department of Health, Education, and Welfare.

Last year this department did present a statement to the Committee on Public Works concerning our stand on the proposal last year. This department is still opposed to such a change in legislation and would recommend highly that the activities of Water Pollution Control remain in the Public Health Service.

I am attaching a statement which was submitted last year by the department and I would like to reiterate our position in this matter. I would greatly appreciate your support of our position and would strongly urge the defeat of S. 4.

Sincerely yours,

WILLIAM J. PEEPLES, M.D.,
Commissioner.

WATER POLLUTION CONTROL ACCOMPLISHMENT IN MARYLAND, 1953-64

Maryland is a small State. On July 1, 1953, it had a population of 2,589,249 which had grown by July 1, 1963, to 3,315,673. This was an increase of 726,424 persons or 28 percent of the 1953 population. Such a group of people, all in one location, would constitute a new community three-fourths the size of Baltimore. This is an excellent example of the kind of problem we contend with in overcoming the deficit in sewage works construction which occurred during World War II and the Korean war, catching up with the requirements of the ever-growing population, and hopefully, finally getting just a little bit ahead of such needs.

During this 11-year period 44 Maryland communities with a current population of 244,000 designed and constructed sewage treatment facilities to serve a population of 449,000. Expenditures for these facilities amounted to a total of \$31,480,-

000 which, when supplemented with an additional \$12,310,000 spent for collecting sewers to add new services, amounts to a total of almost \$44 million. These cost figures are minimum, representing only those expenditures of record with the department of health and are regarded as incomplete. A listing of the 44 communities is attached, hereto, for reference.

In this same period 692 industries and commercial establishments of all sizes and varieties installed some type of water pollution control facility to meet the requirements of the water pollution control commission. The cost of such installations is usually not reported to this commission. However, it is known that 12 of the larger industries expended an estimated \$18,450,000 in the development, design, and construction of industrial waste treatment and pollution prevention facilities. A listing of these industries and their expenditures are attached, but represents less than 2 percent of all establishments providing controls.

The known expenditures for installation of both community and industrial waste control facilities for the period 1953-63 amount to a total of \$62,240,000.

Following are accomplishments in the program development and operational area taking place in the same time period.

1. Maryland decided at the beginning of the Public Law 660 grant operation to provide a construction grant matching program of its own. For every construction dollar offered in Federal funds another dollar in State funds is provided to extend the coverage of the program. It is administered in such a way that one Federal dollar is matched with one State and two community dollars. The State grant funds are "open end" but limited to matching the Federal funds. The net effect of this arrangement is to make the grant program available each year to more communities to the extent of matching community expenditures up to a limit of 50 percent.

There is currently a "backlog" of some 18 Maryland projects representing a total of \$4,300,000 in Federal grant requests (listing attached). Since Maryland's allocation of construction grant funds under Public Law 660 is only \$1,500,000 per year, some of these communities will have to wait almost 3 years, under current program provisions, to receive grant aid. The State department of health is, therefore, recommending to the Maryland General Assembly that the equal matching ratio—State dollar for Federal dollar—of the State grant program be modified so that State funds may be used for grant purposes in excess of Federal funds to give immediate aid to communities ready to proceed.

2. Maryland regulatory agencies participated with those of the District of Columbia and Virginia in, I believe, the first pollution abatement conference called by the Secretary of Health, Education, and Welfare under provisions of Public Law 660. The Public Health Service in two sessions—August 22, 1957, and February 13, 1958—reviewed objectives of the several jurisdictions for abatement of pollution of interstate waters of the Potomac River in the Washington metropolitan area and approved plans for accomplishing them. Progress on this project has been substantial and on Maryland's part is virtually complete. Action, incidentally, on the part of the Public Health Service in this entire matter was effective, constructive, and productive.

The State regulatory agencies also participated in a similar conference convened in Pittsburgh, Pa., in December of last year to review problems of pollution and pollution abatement of the interstate waters of the Monongahela River. Out of this conference should emerge an effective Federal-State-interstate agency program for dealing effectively with the problem of mine acid waste discharges in this river basin.

3. In the spring of 1958 the congressional Joint Committee on Washington Metropolitan Problems, chaired by Senator Bible, undertook investigation of water supply and pollution abatement problems in Maryland, Virginia, and the Washington metropolitan area. Testimony on behalf of Maryland was given before this committee. Out of the water supply and pollution abatement recommendations of this committee have emerged two highly significant developments: the planning and construction of the intercepting sewer to serve Dulles Airport and Virginia and Maryland communities between the airport and the District of Columbia; and establishment by the Metropolitan Washington Council of Governments (a voluntary association of local government jurisdictions of Maryland, Virginia, and the District of Columbia) of the Regional Sanitary Advisory Board, directly implementing a recommendation, in the absence of any legislation, of the Bible committee report. These two actions represent coopera-

tion and accomplishment of the highest order, voluntarily pursued, between the Congress, Federal agencies, State agencies, and local government to meet staged water pollution control objectives.

4. The Regional Sanitary Advisory Board, referred to in the item preceding, immediately addressed itself to developing a sewerage program to meet the needs of the growing Washington metropolitan area. It raised \$25,000 by subscription of member agencies and contracted with eminent sanitary engineers to devise a master sewerage plan for the area. I submit a copy of this excellent report for your record. The Sanitary Advisory Board is now pursuing the implementation of this report. Currently the Board is engaging in similar studies to produce master plans for regional solid waste disposal and regional water supply.

5. Through another action of the aforementioned Sanitary Advisory Board, policy development was pursued to establish practical means of implementing water quality objectives for the Potomac River between the Monocacy River and Little Falls. Water quality objectives were those advanced by the Interstate Commission on the Potomac River Basin. Objectives for control of treated effluent to tributaries of the Potomac within Virginia and Maryland were developed by the Sanitary Advisory Board. These policies on water quality objectives and effluent control were then incorporated into a single policy statement which was officially adopted by the regulatory agencies of Maryland and Virginia. A copy of this policy is also attached.

6. In another area, Maryland is actively participating with New York, Pennsylvania, and the Public Health Service in the voluntary development of water quality objectives for the Susquehanna River Basin. This activity has only recently started and specific results cannot yet be reported. This is, however, another example of voluntary cooperation between States, and between State and Federal agencies in pursuing desired objectives for water quality in interstate streams.

7. With the advent of Public Law 660, Maryland expended a substantial part of its first 2 years' program grant funds to participate in a 3-year research study of the flow patterns and assimilative and dispersal characteristics of the waters of Baltimore Harbor. This study, performed by the Chesapeake Bay Institute of the Johns Hopkins University was jointly financed by the aforementioned Federal funds, State funds, and contributions made by local industry through the Baltimore Association of Commerce. Total expenditure approximated \$100,000 of which \$30,000 was voluntarily subscribed by Baltimore port industries. This splendidly illustrates the support by industry of an independent, objective study to develop patterns under which industry would be regulated.

The study produced invaluable data with regard to the manner in which the waters of Baltimore Harbor can be constructively used to serve the large industrial complex of the port of Baltimore without degrading these waters and without having subsequent deleterious effect upon the resources of the Chesapeake Bay.

8. For the period since completion of the Baltimore Harbor study, the program grant funds have been devoted to the operation of a water quality survey and study section within the State water pollution control commission. This program, jointly planned to serve the needs of both State regulatory agencies, operates on a budget in excess of \$70,000 per year. It is producing and accumulating a vast amount of data on the water quality characteristics of streams in all parts of the State. This data is being used as the basis for evaluation of water pollution efforts and will in the future serve as baseline for the program of water quality management in Maryland.

9. For the past 3 years the State has budgeted to the department of health an annual sum of \$35,000 for study of the assimilative and dispersal characteristics of estuaries of the Chesapeake Bay in areas where population growth will require new waste disposal facility development. These studies are being carried out by the Chesapeake Bay Institute. We are requesting funds to continue them. I submit, for your record, a copy of the report of the initial projects in this field research program.

10. We are planning, together with representatives of the District of Columbia, for a comprehensive study of the biological behavior and reaction of aquatic life in the estuary of the Potomac River under the influence of enriching nutrients introduced into the aquatic environment by highly treated sewage. We must obtain more knowledge with respect to how the biological balance of the aquatic environment may be upset, not through pollution such as with raw sewage but through overfertilization and overstimulation of development of certain form of life by nutrients released from highly and effectively treated sewage.

11. The Maryland Water Pollution Control Commission has entered into contract with the Natural Resources Institute of the University of Maryland for a field research study to determine the effects of heated water outfall into brackish and tidal waters of the estuary of the Patuxent River. The study is for the purpose of determining quantitatively the effects of installing a major electric power generating unit at Chalk Point on the Patuxent River; and to gain understanding of the physical, chemical, and biological effects of large volumes of heated water upon the aquatic environment. This study began in March 1962 and will continue for 4 to 5 years with a total expenditure of \$130,000 to \$160,000.

12. In March 1962 the water pollution control commission contracted for a research study at the Johns Hopkins University which was designed to—

1. Determine the distribution and concentration of synthetic detergents in representative waters of the State;

2. Determine the rates of biological breakdown of synthetic detergents in soils receiving detergent bearing wastes; and

3. Examine the feasibility of simplified field methods for identifying and estimating the concentrations of specific synthetic detergents.

This study, now completed, involved a total cost of \$22,438.

13. The water pollution control commission, in October 1962, contracted also at Johns Hopkins University for an urban sediment study to investigate and make recommendations concerning the problem of erosion of land surfaces and resulting siltation of waters of the State during metropolitan community development. This is a problem of increasing seriousness. Its preliminary investigation will involve expenditure of \$5,500.

Especial attention is called to the fact that the funds provided for the studies described in items 9 through 13 are entirely from State sources.

I have related to you progress involving our State which I believe is quite substantial. It covers areas of facilities construction, State aid to facilities development, field research and data collection, establishment of water quality objectives, interstate collaboration, master planning of new facilities, and administration. We are proud of our program and its accomplishments. They have taken place with aid of the current provisions of the Federal Water Pollution Control Act and the effective working relationships mutually established between the Public Health Service, the State regulatory agencies, and the communities actually spending the money for necessary facilities. Had the provisions of sections 2 and 5 of S. 649 been incorporated originally in Public Law 660, I do not believe these accomplishments would have been any greater. Indeed, if the fine spirit characterizing the working relationship on the part of the Public Health Service had not been reflected by such a proposed agency as the Federal Water Pollution Control Administration, the progress could, in fact, have been less.

Despite such accomplishment, however, much remains to be done. We need help in doing it—help provided in terms of incentives rather than the threat of chastisement. I see no way in which the provisions of S. 649 to which I have referred will extend such aid to Maryland or to any other State. In my judgment we cannot hope to meet our objectives for water quality management and control with the Federal agency portion of the program governed to large degree on considerations of administrative status of the operation and a declared intention of wielding a big stick. What is urgently needed, on the other hand, is a program of substantially increased incentives to expend the vast sums of money at the State and local levels which will be necessary to meet the water supply and waste disposal needs of the growing U.S. population.

May I offer several suggestions as to the ways in which the Congress can provide additional effective aid in meeting our mutual stream quality objectives:

1. Declare it to be public policy that the construction grants phase of the Federal Water Pollution Control Act will be continued indefinitely until the Nation's objectives for sewage treatment facilities have finally been met.

2. Provide a basis for increasing construction grant allotments to States, perhaps on a formula basis such as that which operates in Maryland, so that it will not be necessary to have waiting lists of communities desiring to construct facilities.

3. Provide for accelerated depreciation for tax purposes of expenditures by industry for water pollution control facilities.

4. Continue support at a high level for all forms of research—including that in the field—dealing with water pollution control and maintenance of water quality. This should include, for example, appropriating now to the Public Health

Service the money required to initiate at once the Chesapeake Bay portion of the Susquehanna-Chesapeake Bay Basin studies authorized by the Congress but not provided with the resources to carry it out.

5. Develop a program for planning and aiding the construction of water supply and sewerage services to the mushrooming suburban fringe areas so as to displace the need for individual wells and septic tank systems upon which a large proportion of our nonurban population is dependent.

May I respectfully suggest, in conclusion, that if our Nation had a concern for the water supply, sewage disposal, and water resource needs of our population equivalent to that which has been demonstrated so effectively for their highway transportation requirements, the need for a hearing such as this one here today would have been long since passed. I earnestly believe, and I urge you to consider, that the water quality and resource needs of our Nation deserve the marshaling of fiscal resources and the positive leadership approach by the Federal Government in a program directly comparable to that which is being carried out for planning and construction of highways. With such emphasis and expenditure we could expect to get ahead of this so urgent problem rather than be constantly fighting to catch up.

Maryland communities, institutions, and agencies constructing sewage treatment facilities since January 1953

| Community | Population | Design population |
|---|----------------------|---------------------|
| Maryland House of Correction..... | 3,000 | 3,000 |
| Montrose School for Girls..... | 225 | 450 |
| Springfield State Hospital..... | 3,500 | 3,500 |
| St. Michaels..... | 1,500 | 2,200 |
| Bel Air (additions)..... | 2,600 | 3,000 |
| Frederick (additions)..... | 18,000 | 20,000 |
| Woodstock College..... | 300 | 300 |
| National Security Administration..... | (1) | 40,000 |
| Boys Village, Cheltenham..... | 500 | 500 |
| Taneytown..... | 1,420 | 2,000 |
| Bonnie Blink..... | 250 | 250 |
| Fort Washington Forest..... | 800 | 800 |
| La Plata..... | 780 | 1,000 |
| Cumberland..... | 37,500 | 65,000 |
| Pittsburgh Plate Glass..... | 500 | 500 |
| Timber Grove..... | 2,000 | 2,200 |
| Middletown..... | 950 | 1,200 |
| North Beach: | | |
| Winter..... | 350 | |
| Summer..... | 3,000 | 3,000 |
| Laurel..... | 7,000 | 10,000 |
| Laurel (additional treatment and expansion)..... | 10,000 | 20,000 |
| Hagerstown (additions)..... | 36,000 | ² 60,000 |
| Princess Anne..... | 2,100 | 3,500 |
| Leonardtown..... | 1,850 | 2,500 |
| Feddersburg..... | 3,000 | ² 15,000 |
| Emmitsburg..... | 1,650 | 2,500 |
| Elkton..... | 6,200 | 9,000 |
| Annapolis (additions)..... | 30,000 | 45,000 |
| Centreville..... | 2,100 | 3,000 |
| Hancock..... | 1,980 | 3,000 |
| Union Bridge..... | 1,000 | 1,400 |
| Williamsport..... | 1,890 | 3,000 |
| Westernport..... | 3,500 | (3) |
| Boonsboro..... | 1,200 | 1,800 |
| Easton..... | 6,200 | 10,000 |
| Perryville..... | 6,012 | 7,150 |
| Patuxent River (Anne Arundel County)..... | 1,500 | 20,000 |
| Aberdeen (additions)..... | 7,500 | 11,000 |
| Indian Head (additions)..... | 850 | 1,500 |
| Oxford..... | 862 | 1,120 |
| Dorchester County (near Cambridge)..... | 840 | 1,400 |
| Trappe..... | 360 | 450 |
| Cox Creek..... | 18,000 | 26,000 |
| Cox Creek (additional treatment and expansion)..... | 37,000 | 52,000 |
| Rising Sun..... | 824 | 1,800 |
| Galena..... | 395 | 500 |
| Bowling Green..... | 2,240 | 3,040 |
| Total (communities, 44)..... | ¹ 243,878 | 448,560 |

¹ Does not include resident population of National Security Administration.

² Indicates population equivalent where industrial wastes influence treatment.

³ No limit set.

In addition, the following projects have been approved and are expected to be under construction during current fiscal year:

| Community | Population | Design population |
|-----------------------------|------------|-------------------|
| New Windsor..... | 736 | 950 |
| La Plata (additions)..... | 1,278 | 3,000 |
| Denton..... | 1,938 | 10,400 |
| Snow Hill..... | 2,310 | 3,000 |
| Cresaptown..... | 1,680 | 4,500 |
| North East..... | 2,048 | 2,900 |
| Upper Marlboro..... | 1,330 | 3,800 |
| Pocomoke City..... | 3,329 | 4,000 |
| Total (communities, 8)..... | 14,649 | 32,550 |

¹ Indicates population equivalent where industrial wastes influence treatment.

The following projects eliminated existing sewage treatment plants which were operating above capacity and provided adequate treatment at a major facility: Rockville, Gaithersburg, Greenbelt, Towson, and Reistertown.

Many other projects eliminated surcharged sewers or raw sewage discharges by the construction of interceptors to existing treatment facilities.

Community expenditures for sewerage facilities in Maryland, 1953-64

| | |
|---|-------------|
| Expenditures 1953-57 prior to Federal and State grant programs..... | \$6,860,000 |
| Federal construction grant funds..... | 6,480,000 |
| State construction grant funds..... | 5,830,000 |
| Local funds matching Federal and State grants..... | 12,310,000 |
| Total expenditures for sewage treatment facilities..... | 31,480,000 |
| Estimated expenditure for sewage collecting systems..... | 12,310,000 |
| Total expenditure for all sewerage facilities..... | 43,790,000 |

Examples of expenditures by industries for waste disposal facilities in Maryland, 1953-64¹

| | |
|------------------------------------|-------------|
| West Virginia Pulp & Paper Co..... | \$6,000,000 |
| Glidden Co..... | 6,000,000 |
| Bethlehem Steel Co..... | 3,000,000 |
| Baltimore Gas & Electric Co..... | 1,000,000 |
| Potomac Electric Power Co..... | 850,000 |
| DuPont Co..... | 500,000 |
| Pittsburgh Plate Glass Co..... | 300,000 |
| Bartgis Bros. Co..... | 250,000 |
| Calvert Distillery..... | 200,000 |
| Eastern Stainless Steel Co..... | 150,000 |
| Kennecott Copper Co..... | 100,000 |
| Celanese Corp..... | 100,000 |
| Total..... | 18,450,000 |

¹ Amounts spent by industries for waste pollution control not routinely known to Maryland Water Pollution Control Commission.

List of backlog projects for Public Law 660 funds

| Community : | Grant request |
|-------------------------|---------------|
| Piscataway S. T. P----- | \$600, 000 |
| Patapsco River----- | 600, 000 |
| Frostburg----- | 540, 000 |
| Bedford Rd----- | 200, 000 |
| Oakland----- | |
| Mountain Lake Park----- | 250, 000 |
| Loch Lynn----- | |
| Severna Park----- | 600, 000 |
| Riviera Beach----- | 200, 000 |
| Greensboro----- | 70, 000 |
| Preston----- | 40, 000. |
| Hampstead----- | 80, 000 |
| Manchester----- | 90, 000 |
| Mount Airy----- | 120, 000 |
| Sykesville----- | 60, 000 |
| Ellicott City----- | 250, 000 |
| Hagerstown----- | 200, 000 |
| Sharpsburg----- | 75, 000 |
| Delmar----- | 25, 000 |
| Ocean City----- | 300, 000 |
| Total----- | 4, 300, 000 |

This list cannot be complete as there are numerous communities which may be stirred to action and file at any time.

STATE OF MARYLAND, DEPARTMENT OF HEALTH, BALTIMORE, Md.

WATER POLLUTION CONTROL COMMISSION, ANNAPOLIS, MD.

REQUIREMENTS REGARDING WASTE DISCHARGES INTO THE POTOMAC RIVER WATERSHED FROM MONOCACY RIVER TO LITTLE FALLS ¹

BACKGROUND

The water supply for the District of Columbia, and through contract with the District for other adjacent political subdivisions in Maryland and Virginia, is obtained from the Potomac River. From its confluence with the Monocacy River to the water supply intake at Little Falls is generally regarded as the stretch of the river where the water quality must be protected primarily for this purpose. There has been some deterioration of the water quality in this stretch during the past several decades, as indicated by an increase in the coliform bacteria and by other criteria. There has been much concern expressed from many quarters in the Washington metropolitan area lest continually increasing demands and possible further deterioration in quality may become serious factors affecting the continued use of the Potomac River as the area's principal source of water supply. This concern has led many persons and organizations in the area to adopt the general concept that there ought not to be any sewage discharged into this stretch of the river and its tributaries, irrespective of how high a degree of treatment is first given the sewage.

It was the pressure of those espousing this concept which prompted Congress in 1960 to appropriate \$28 million for the construction of a 30-odd mile long interceptor sewer from the District of Columbia to Dulles International Airport (the so-called Potomac Interceptor), primarily to prevent any discharge of treated sewage from the airport into the Potomac or its tributaries, but secondarily to be constructed large enough so that it might also serve to intercept existing and future sewage discharges from areas in Maryland and Virginia adjacent to the river and logically tributary to the interceptor.

While furthering of the no-effluent concept is the eventual aim of the interceptor, there are some practical difficulties, both interim and long range, that will be encountered before it is completed sometime in 1963. Meanwhile, installations adjacent to the airport, as well as at other locations in the area, are proceed-

ing, and will be ready to dispose of sewage long before then. A number of such proposals for sewage disposal are already before the regulatory agencies of Maryland and Virginia,¹ and there will doubtless be many more, both before and after completion of the interceptor. Some of these will probably not in the foreseeable future, or perhaps ever, be connected to the interceptor.

In staff level discussions between the regulatory agencies, it was determined that proposals for development fell into three general categories:

A. Installations to be served by temporary sewage treatment facilities which would be abandoned soon after (say, 6 months) availability of the Potomac interceptor.

B. Installations to be served by sewage treatment facilities which would be in use 5 years or more until feeder lines could be provided to connect to the interceptor.

C. Installations requiring sewage treatment facilities which discharge into this portion of the Potomac River watershed but which are so remotely located in time or distance that they may never be connected to the interceptor.

Over a period of several months representatives of the regulatory agencies conferred in formulating requirements. These agency representatives subsequently agreed on the terms of such requirements and thereafter submitted them informally to the Washington Metropolitan Regional Sanitary Board for comments prior to adoption.

The requirements set forth below were then jointly adopted by the Maryland State Board of Health, the Virginia State Water Control Board, the Maryland Water Pollution Control Commission, and the Virginia State Department of Health.

REQUIREMENTS

Discharges in category A

1. The stream pollution control agencies of each State subscribe to the "Statement on Anticipating and Controlling Temporary Discharges of Treated Sewage Into the Potomac River Between the Monocacy River and Little Falls" developed by the Washington Metropolitan Regional Sanitary Board (see below) and accept the working principles stated therein with respect to discharges in category A, above. For portions of the watershed area remote in time or distance from service by the Potomac interceptor (categories B and C, above) the control agencies will be governed by the principles set forth in items 2 to 6.

STATEMENT ON ANTICIPATING AND CONTROLLING TEMPORARY DISCHARGES OF TREATED SEWAGE INTO THE POTOMAC RIVER BETWEEN THE MONOCACY RIVER AND LITTLE FALLS

Substantial urban development will occur in the Washington metropolitan area in the next few decades. Even now, economic and political pressures exerted by governmental, industrial, commercial, and residential developments, and rapidly expanding populations in contiguous areas of Maryland and Virginia, have made it increasingly difficult to safeguard the Potomac River against influx of new sewage and other waste effluents. With the continuing metropolitan growth in upstream areas on both sides of the Potomac, it appears inevitable that these pressures will soon increase to the point they can no longer be successfully contained.

The Regional Sanitary Board is opposed to any discharge of raw sewage, or the permanent discharge of treated sewage or other wastes, into the Potomac River or any of its tributaries between Little Falls and the mouth of the Monocacy River. In such expression, the Board aligns itself with the many official agencies and public interest groups which have vigorously worked to prevent pollution of this reach of the river, to maintain it as an acceptable source of potable water supply for the Washington metropolitan area, and to preserve the recreational and esthetic values of this part of the watershed for present and future residents of the region.

The Board recognizes that as residential, commercial, or industrial development takes place within the metropolitan areas and even as recreational uses on the basin increase, protective measures will be called for to insure that

¹ Adopted: Maryland State Board of Health, Mar. 17, 1961; Virginia State Water Control Board, Mar. 21, 1961; Maryland Water Pollution Control Commission, May 22, 1961; Virginia State Department of Health.

reasonable and proper uses of the river are safeguarded. Some of such measures may be noted as follows :

Insuring that excessive deforestation does not take place with accompanying excessive cutting, grading, and filling of large land areas, thereby producing heavy local silt loadings in storm water runoff which may interfere with various recreational pursuits.

Providing adequately for disposal of sewage and refuse from boats and from all points of organized recreation.

Evolving a carefully integrated waste disposal program which will insure that discharges of treated sewage or industrial wastes never reach levels interfering with water supply or recreational usage.

In the latter part of 1959, the Regional Sanitary Board initiated arrangements for preparation of a regional master plan for sewage disposal. This plan was greatly assisted by the action of Congress which authorized in June 1960 the planning and construction by the District of Columbia of a Potomac River interceptor connecting the Dulles International Airport near Chantilly, Va., with the District of Columbia sewerage system. Completion of planning for this portion of the master plan is expected by September 1960. Completion of the master plan for the metropolitan region is anticipated for early 1961. Planning will be developed in coordination with the responsible agencies of all local political jurisdictions and with certain Federal agencies whose primary interests and responsibilities are concerned. It is expected that the master plan will provide a definite framework for near future and long-term development of a system of interceptor sewers, sewage treatment plants, and other facilities to serve the needs of the entire metropolitan area. The plan will include facilities which, when constructed, will provide the means for removing permanently the threat of sewage discharges into the Potomac River between the Monocacy River and Little Falls.

Construction of the developed plan or major portion thereof will involve major problems requiring time for solution, but the assistance provided by Congress has greatly shortened the period of time before sewerage facilities will be available for anticipated development in Virginia and Maryland upstream of the District of Columbia. Initiation of construction of the Potomac interceptor is expected by midsummer of 1961 and completion by midsummer of 1963. Thus an interceptor will be available at an early date as far as Broad Run for reception of such wastes as may be brought to it through lateral trunk sewers whenever they may be constructed. During this interval, it will be impracticable to prohibit some temporary discharge of treated wastes into the tributaries of the Potomac River. Such discharges, however, should be permitted only with the understanding that they will be on a temporary basis not to exceed definite stipulated periods, and that they will have received sufficient treatment so that they will not deteriorate the biochemical character of the stream and, with adequate terminal chlorination, not increase the normal bacteriological loading upon the river. It is intended that all points of treated sewage discharge be located so as to lend themselves readily to interception by upstream extension of trunk sewers, as the master plan is accomplished.

The Sanitary Board recognizes the authority of the water pollution control agencies and the health departments of the States concerned. Also, the Board recognizes the need for adequate comprehensive planning for land use and zoning control in the watershed, and believes that such planning and the master planning for sewerage must parallel and complement each other in achieving these objectives. The Board is therefore anxious to secure the understanding, support, and active collaboration of the official agencies as well as interested non-official groups within the region.

The Board recognizes, as well, that ultimate success in accomplishment of the sewerage objectives herein described will depend upon their being understood and accepted by the general public. Thus, not only can new discharges be handled properly but also wastes from communities of Maryland and Virginia currently discharging treated sewage to the Potomac or small tributaries in the Monocacy-Little Falls Reach can be eliminated. These latter discharges should cease upon the availability of interceptor sewers to serve the up-river area.

Discharges in categories B and C

2. Decision as to permissible effects which may be produced upon a stream or watercourse tributary to the river shall be made by the stream pollution control agency of the State involved.

3. Discharge of treated sewage into tributaries of this reach of river shall be such as not to affect adversely the standards of quality as specified in 4 below.

4. Standards of water quality to be maintained in this reach of the Potomac River itself shall be those recommended by the Interstate Commission of the Potomac River Basin, as follows :

MONOCACY RIVER TO GREAT FALLS

Objective: The establishment of conditions suitable for domestic water supplies, fish propagation, and recreational uses, and elimination of excessive soil erosion.

Criteria: The water quality shall be held in the normal, natural condition of the stream, with nearly all samples falling within the following limits:

(1) Coliform group: MPN not to exceed 2,000 per 100 milliliters.

(2) pH: Range between 6.5 and 8.5.

(3) Dissolved oxygen: Monthly median not less than 6.5 parts per million, with no dissolved oxygen below 4 parts per million.

(4) Turbidity: After opportunity for good mixing in the river, turbidity of the stream should not be appreciably changed.

(5) Other conditions: There shall be no floating solids, oil, settleable solids, or sludge deposits attributable to sewage, industrial wastes, or other wastes. There shall be no toxic wastes, deleterious substances, colored or other wastes, or heated liquids, taste- or odor-producing substances, either alone or in combinations sufficient to be injurious to fish life or to make the waters unsafe or unsuitable as a source of municipal water supply or other desirable uses.

GREAT FALLS TO LITTLE FALLS

Objective: The elimination of sewage and waste effluent and excessive soil erosion so that the water will be suitable for domestic water supplies and fish life.

Criteria: The water quality shall be held in the normal, natural condition of the stream, with nearly all samples falling within the following limits:

(1) Coliform group: MPN not to exceed 2,000 per 100 milliliters.

(2) pH: Range between 6.5 and 8.5.

(3) Dissolved oxygen: Monthly median not less than 6.5 parts per million with no dissolved oxygen below 4 parts per million.

(4) Turbidity: After opportunity for good mixing in the river, turbidity of the stream should not be appreciably changed.

(5) Other conditions: There shall be no floating solids, oil, settleable solids, or sludge deposits attributable to sewage, industrial wastes or other wastes, There shall be no toxic wastes, deleterious substances, colored or other wastes or heated liquids, taste- or odor-producing substances, either alone or in combinations in sufficient amounts to be injurious to fish life or to make the waters unsafe or unsuitable as a source of municipal water supply or other desirable uses.

5. Any treatment plant permitted to be installed within this area of the watershed shall be under the surveillance, as to maintenance and operation, of the local political subdivision having jurisdiction.

6. Pursuant to item 3, minimum treatment shall be the equivalent of secondary treatment followed when necessary by chlorination. Sewage stabilization lagoons may be utilized. Holding ponds shall be provided following all treatment facilities. Holding ponds, dual power sources, or standby power supplies shall be provided at all sewage pumping stations.



Report 2/4/65

WATER QUALITY ACT OF 1965

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HEARING

BEFORE A

SPECIAL SUBCOMMITTEE ON AIR AND WATER POLLUTION

OF THE

COMMITTEE ON PUBLIC WORKS UNITED STATES SENATE

EIGHTY-NINTH CONGRESS

FIRST SESSION

ON

S. 4

A BILL TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED, TO ESTABLISH THE FEDERAL WATER POLLUTION CONTROL ADMINISTRATION, TO PROVIDE GRANTS FOR RESEARCH AND DEVELOPMENT, TO INCREASE GRANTS FOR CONSTRUCTION OF MUNICIPAL SEWAGE TREATMENT WORKS, TO AUTHORIZE THE ESTABLISHMENT OF STANDARDS OF WATER QUALITY TO AID IN PREVENTING, CONTROLLING, AND ABATING POLLUTION OF INTERSTATE WATERS, AND FOR OTHER PURPOSES

JANUARY 18, 1965

Printed for the use of the Committee on Public Works



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WASHINGTON : 1965

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WATER QUALITY ACT OF 1965

MONDAY, JANUARY 18, 1965

U.S. SENATE,
SPECIAL SUBCOMMITTEE ON AIR AND WATER POLLUTION
OF THE COMMITTEE ON PUBLIC WORKS,
Washington, D.C.

The subcommittee met at 9:30 a.m., pursuant to call, in room 4200, Senate Office Building, Senator Edmund S. Muskie presiding.

Present: Senators Muskie, Moss, Metcalf, Bayh, Harris, Montoya, Cooper, Boggs, and Pearson.

Senator MUSKIE. The subcommittee will be in order.

It is good to be here this morning for one of the first committee hearings of this new Congress, and I think on one of the more important problems that will face this new Congress, S. 4, the Water Quality Act of 1965.

I will place a copy of S. 4 and the report of the Department of Health, Education, and Welfare on the bill in the record at this place.
(The exhibits are as follows:)

[S. 4, 89th Cong., 1st sess.]

A BILL To amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) section 1 of the Federal Water Pollution Control Act (33 U.S.C. 466) is amended by inserting after the words "section 1." a new subsection (a) as follows:

"(a) The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution."

(2) Such section is further amended by redesignating subsections (a) and (b) thereof as (b) and (c) respectively.

(3) Subsection (b) of such section (as redesignating by paragraph (2) of this subsection) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: "The Secretary of Health, Education, and Welfare (hereinafter in this Act called 'Secretary') shall administer this Act and, with the assistance of an Assistant Secretary of Health, Education, and Welfare designated by him, shall supervise and direct the head of the Water Pollution Control Administration created by section 2 and the administration of all other functions of the Department of Health, Education, and Welfare related to water pollution. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe."

(b) Section 2 of Reorganization Plan Numbered 1 of 1953, as made effective April 1, 1953, by Public Law 83-13, is amended by striking out "two" and inserting in lieu thereof "three"; and paragraph (17) of subsection (d) of section 303 of the Federal Executive Salary Act of 1964 is amended by striking out "(2)" and inserting in lieu thereof "(3)".

SEC. 2. Such Act is further amended by redesignating sections 2 through 4 and references thereto, as sections 3 through 5, respectively, sections 5 through 14, as sections 7 through 16, respectively, by inserting after section 1 the following new section:

"FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

"SEC. 2. Effective ninety days after the date of enactment of this section there is created within the Department of Health, Education, and Welfare a Federal Water Pollution Control Administration (hereinafter in this Act referred to as the "Administration"). The head of the Administration shall be appointed, and his compensation fixed, by the Secretary, and shall, through the Administration, administer sections 3, 4, 10, and 11 of this Act and such other provisions of this Act as the Secretary may prescribe. The head of the Administration may, in addition to regular staff of the Administration, which shall be initially provided from personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions."

SEC. 3. Such Act is further amended by inserting after the section redesignated as section 5 a new section as follows:

"GRANTS FOR RESEARCH AND DEVELOPMENT

"SEC. 6. The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes, and for the purpose of reports, plans, and specifications in connection therewith.

"Federal grants under this section shall be subject to the following limitations:

(1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by an appropriate State water pollution control agency or agencies and by the Secretary; (2) no grant shall be made for any project in an amount exceeding 50 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration of a new or improved method of controlling the discharge into any water of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes.

"There are hereby authorized to be appropriated for the fiscal year ending June 30, 1965, and for each of the next three succeeding fiscal years, the sum of \$20,000,000 per fiscal year for the purpose of making grants under this section. Sums so appropriated shall remain available until expended. No grant shall be made for any project in an amount exceeding 5 per centum of the total amount authorized by this section in any one fiscal year."

SEC. 4. (a) Clause (2) of subsection (b) of the section of the Federal Water Pollution Control Act herein redesignated as section 8 is amended by striking out "\$600,000," and inserting in lieu thereof "\$1,000,000,".

(b) The second proviso in clause (2) of subsection (b) of such redesignated section 8 is amended by striking out "\$2,400,000," and inserting in lieu thereof "\$4,000,000,".

(c) Subsection (f) of such redesignated section 8 is redesignated as subsection (g) thereof and is amended by adding at the end thereof the following new sentence: "The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z 15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C., 276 (c))."

(d) Such redesignated section 8 is further amended by inserting therein, immediately after subsection (e) thereof, the following new subsection:

"(f) Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant made under this section by 10 per centum for any project which has been certified to him by an official State, metropolitan,

or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term 'metropolitan area' means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President or by the Bureau of the Budget as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President or the Bureau of the Budget lends itself as being appropriate for the purposes hereof."

Sec. 5. (a) Redesignated section 10 of the Federal Water Pollution Control Act is amended by redesignating subsections (c) through (i) as subsections (d) through (j).

(b) Such redesignated section 10 of the Federal Water Pollution Control Act is further amended by inserting after subsection (b) the following:

"(c) (1) In order to carry out the purposes of this Act, the Secretary may, after reasonable notice and public hearing and in consultation with the Secretary of the Interior and with other Federal agencies, with State and interstate water pollution control agencies, and with municipalities and industries involved, prepare regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof.

"(2) The Secretary shall also call such a public hearing on his own motion or when petitioned to do so by the Governor of any State subject to or affected by the water quality standards set pursuant to this subsection for the purpose of considering a revision in such standards.

"(3) Such standards of quality shall be such as to protect the public health or welfare and serve the purposes of this Act. In establishing standards designed to enhance the quality of such waters, the Secretary shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.

"(4) The Secretary shall promulgate the standards pursuant to this subsection with respect to any waters only if, within a reasonable time after being requested by the Secretary to do so, the appropriate States and interstate agencies have not developed standards found by the Secretary to be consistent with paragraph (3) of this subsection and applicable to such interstate waters or portions thereof.

"(5) The discharge of matter into such interstate waters, which reduces the quality of such waters below the water quality standards promulgated by the Secretary pursuant to paragraph (4) of this subsection or established by the appropriate State or interstate agencies consistent with paragraph (3) of this subsection (whether the matter causing or contributing to such reduction is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters), is subject to abatement in accordance with the provisions of this section.

"(6) Nothing in this subsection shall (a) prevent the application of this section to any case to which subsection (a) of this section would otherwise be applicable, or (b) extend Federal jurisdiction over water not otherwise authorized by this Act."

(c) Paragraph (1) of redesignated subsection (d) of the section of the Federal Water Pollution Control Act herein redesignated as section 10 is amended by striking out the final period after the third sentence of such subsection and inserting the following in lieu thereof: "; or he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities."

(d) Redesignated subsection (h) of the section of the Federal Water Pollution Control Act herein redesignated as section 10 is amended by inserting after the word "of practicability" in the second sentence thereof, the words "of complying with such standards as may be applicable".

SEC. 6. The section of the Federal Water Pollution Control Act hereinbefore redesignated as section 12 is amended by adding at the end thereof the following new subsections:

"(d) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(e) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act."

SEC. 7. (a) Section 7(f) (6) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 6(b) (4)" as contained therein and inserting in lieu thereof "section 8(b) (4)".

(b) Section 8 of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 5" as contained therein and inserting in lieu thereof "section 7".

(c) Section 10(b) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "subsection (g)" as contained therein and inserting in lieu thereof "subsection (h)".

(d) Section 10(i) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "subsection (e)" as contained therein and inserting in lieu thereof "subsection (f)".

(e) Section 11 of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 8(c) (3)" as contained therein and inserting in lieu thereof "section 10(d) (3)" and by striking out "section 8(e)" and inserting in lieu thereof "section 10(f)".

SEC. 8. This Act may be cited as the "Water Quality Act of 1965".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
WASHINGTON, D.C., *January 18, 1965.*

Hon. PATRICK V. McNAMARA,
Chairman, Committee on Public Works,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request of January 11, 1965, for a report on S. 4, a bill to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes.

In his state of the Union message, delivered to the Congress on January 4, 1965 (H. Doc. No. 1, 89th Cong.), President Johnson set forth important national goals and objectives for the prevention, control, and abatement of water pollution. The President proposed "that we end the poisoning of our rivers," and to this end he recommended legal power to prevent pollution before it happens and further asserted that we will step up our effort to control harmful wastes, giving first priority to the cleanup of our most contaminated rivers and will increase research to learn much more about the control of pollution. We view the purposes of S. 4 as consonant with these goals and objectives and therefore highly desirable.

The provisions of S. 4 are identical with those of S. 649, 88th Congress, passed by the Senate on October 16, 1963, except for the deletion of the provisions for permits for waste discharges from Federal installations and for measures for the control of synthetic detergents. Our comments on these identical provisions were submitted to you in our letter of October 11, 1963.

As stated therein, we fully support the provision of an additional Assistant Secretary position for this Department. This important provision will contribute to the necessary strengthening of the Office of the Secretary and will benefit all of the Department's programs.

The proposed program of grants to assist municipalities in the development of projects which will demonstrate new or improved methods of controlling discharges of sewage and wastes from storm sewers and combined storm and sanitary sewers will aid greatly in resolving this very critical pollution problem. A recent report prepared by the Public Health Service, entitled, "Pollutional Effects of Stormwater and Overflows from Combined Sewer Systems; a Preliminary Appraisal," reveals the following significant aspects of this problem: Approximately 59 million people in more than 1,900 communities are served by combined sewers and combinations of combined and separate sewer systems. Stormwater and combined sewer overflows are responsible for major amounts of polluting material in the Nation's receiving waters, and the tendency with growing urbanization is for these amounts to increase. Both combined overflows and stormwater contribute significant amounts of pollutional materials to watercourses. These discharges affect all known water uses adversely in the receiving watercourses. Complete separation of stormwater from sanitary sewers and treatment of all waste is the ultimate control measure to provide maximum protection to receiving waters. Total costs for complete separation based on scattered information are estimated to be in the \$20 to \$30 billion range. The report recommends demonstration projects identical in purpose with those specified in S. 4 as an attack on the problem and to provide information for future action. While we fully endorse the objectives of this provision of the bill, we wish to advise the committee that the administration will be proposing a community facility grants program. The organizational and coordinating arrangements for this and related existing programs are still under consideration, and will be dealt with in future recommendations to the Congress.

We agree with the desirability of increasing the existing dollar ceiling limitations on the amount of a single project grant from \$600,000 to \$1 million and from \$2,400,000 to \$4 million for a project in which two or more communities jointly participate. This amendment will provide a more equitable measure of assistance to those projects involving disproportionately higher costs and substantially stimulate the construction of necessary waste treatment facilities by larger communities, where the attendant needs are commensurately greater.

The bill provides that the amount of a grant for a project may be increased by 10 percent of that amount if the project is certified as conforming with a comprehensive plan for the metropolitan area in which the project is to be constructed. We believe that a direct financial incentive such as this is desirable to encourage municipalities to coordinate and conform, if practicable, to the facility plan for the metropolitan or regional area, both in the interests of effective water pollution control and because of the substantial savings in expenditures that may be realized to all levels of government as a result of such area coordination. This provision of S. 4 and the proposed increases in the dollar limitations for any single or joint construction project implement the recommendations of the Advisory Commission on Intergovernmental Relations in its October 1962 report on "Intergovernmental Responsibilities for Water Supply and Sewage Disposal in Metropolitan Areas."

The provisions for establishment of standards of water quality to be applicable to interstate waters would appear to have for their purpose the prevention of pollution before its inception. Sound water quality standards are capable of serving as valuable guidelines for municipalities and industries in providing for effective treatment and disposal of their wastes so as to prevent pollution situations from arising. We are in agreement, therefore, as to the necessity and desirability of these provisions.

Such industries as the commercial shellfish and fishing enterprises, which are importantly engaged in the shipping and marketing of seafood products, are particularly susceptible to the deleterious effects of pollution. In addition to the immediate health hazards involved, the uncontrolled discharges of waste matters in proximity to shellfish bed and commercial fish habitat areas inflict grave economic losses upon these industries through the resultant necessary closing of such areas to harvesting operations. The proposal of S. 4 directing the application of enforcement authority and procedures in such instances would provide corrective relief measures presently unavailable to those operators whose economic livelihood is imperiled through such pollution.

The overall purposes of S. 4 are highly desirable, particularly insofar as they are consistent with the President's goals and objectives noted above. We favor, therefore, the enactment of this legislation as necessary for the effective conduct of the national water pollution control program and the accomplishment of its important aims and purposes.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

ANTHONY J. CELEBREZZE,
Secretary.

Senator MUSKIE. Exactly 19 months ago yesterday this Special Subcommittee on Air and Water Pollution opened its first hearings. I said at that time that in the course of those hearings the subcommittee would objectively examine and inquire into the whole breadth and scope of the water pollution control and abatement problem facing the Nation, as well as to consider the specific items of legislation that were then before the subcommittee.

Six days of hearings produced more than 1,000 pages of testimony and exhibits. These were followed by a substantial number of official and informal meetings of the members of the subcommittee, and equally as many meetings with representatives of various industries and organizations concerned with the legislation under study.

It was my hope that the subcommittee's final legislative product would represent the best known and available means for enhancing the quality of our water resources. Four of the nine members of this subcommittee had sponsored the major bill we were considering, S. 649. Four months later, when that bill was reported from the full committee, it was unanimously endorsed by the subcommittee and it was passed by the Senate, 69 to 11. The hearings and meetings had produced numerous changes in the original bill, strengthening and improving it.

During the period of time S. 649 lay before the House Committee on Public Works, we continued to examine the water pollution problem. The House committee reported out S. 649 late in the second session, with amendments. The House did not act before final adjournment.

Subsequently, discussions among members of the subcommittee and others led to the decision to reintroduce the provisions of S. 649, substantially as it passed the Senate. That is the measure we have before us today as S. 4. It is cosponsored by 32 Members of the Senate, including every member of the subcommittee who was a Member in the 88th Congress.

The differences between S. 4 and S. 649 are two deletions: the section on Federal installations and the section on detergents.

The Federal installations section was eliminated because similar problems with respect to Federal installations are present in the field of air pollution as well as water pollution. Because of this factor and other important problems relating to Federal installations, it was decided to consider these matters in separate legislation. Such legislative proposals are contained in S. 560, which was introduced Friday, January 15, 1965.

The detergent section was deleted because the members of the soap and detergent industry have reported changes in their schedules for supplying the market with detergents which will degrade more readily than those now available. We thought it advisable to hold separate hearings to determine progress being made in resolving this problem and to determine what legislative action may be required in the light of these changes.

S. 4 includes the following proposals:

1. To establish an additional position of Assistant Secretary of Health, Education, and Welfare to help the Secretary to administer the Federal Water Pollution Control Act.

2. To create a Federal Water Pollution Control Administration to administer sections 3 (comprehensive programs), 4 (interstate cooperation and uniform laws), 10 (enforcement measures), and 11 (to control pollution from Federal installations) of the act.

3. To authorize appropriations for the fiscal year ending June 30, 1965, and for 3 succeeding fiscal years in the amount of \$20 million a year for grants for research and development to demonstrate new or improved methods for the control of combined storm and sanitary sewer discharges.

4. To increase grants to individual sewage treatment projects from \$600,000 to \$1 million, and to allow multimunicipal combinations grant increases from \$2,400,000 to \$4 million.

There is also a provision which provides a 10-percent bonus on construction grants for treatment plants where such construction is part of a comprehensive metropolitan plan.

5. To provide procedures for the establishment of water quality standards applicable to interstate waters.

6. To authorize action by the Secretary of Health, Education, and Welfare to initiate abatement proceedings where he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution of interstate or navigable waters and actions of Federal, State, or local authorities.

7. Provisions for audits where Federal funds are utilized under the act, and provisions, under the Water Pollution Control Act, for appropriate application of the authority and functions of the Secretary of Labor with respect to labor standards.

Since, with but the two exceptions I have noted, the bill we have before us today is exactly the same as S. 649, as it passed the Senate in the 88th Congress, we have limited the hearing to 1 day. We have endeavored to arrange for representative pro and con witnesses.

A number of individuals have asked to appear before the subcommittee. They represent organizations whose positions were made known in previous testimony or in communications. We see no useful purpose to be served by lengthy repetition of testimony already considered by the subcommittee and the Senate. Provisions have been made to incorporate statements in the record of the hearing. Such statements will be accepted through tomorrow, Tuesday, January 19, 1965.

The subcommittee recognizes that today's hearing does not cover the entire scope of our water pollution control concerns. We anticipate further hearings on the adequacy of the present sewage treatment program. I know, for example, that this is of special concern to many of my colleagues and that Governor Rockefeller of New York has dramatized the problem in his own State in a special message calling for a substantial increase in individual grant authorizations, going beyond the provisions of S. 4.

As we step up our efforts to control and abate pollution, we find that large communities and small, large States and small, must in-

crease their investment in sewage treatment systems. The committee must and will give close and extensive attention to this problem.

Similar attention will be given in field hearings and technological hearings to the special problems of industrial pollution control and technological requirements in the control of organic and inorganic wastes. Our work will not be concluded today.

One of the more controversial aspects of S. 4 is the proposal for water quality standards. For a new understanding of that provision in the bill, I suggest a reading of the transcript of the St. Croix River hearings, held in Minnesota in December, under the chairmanship of Senator Nelson of Wisconsin.

At that hearing, representatives of conservation and industry agreed that the standards provision of this bill would have served to establish clear guidelines on water uses and would have contributed to a resolution of their conflict. Both sides endorsed the provisions as contained in this bill.

President Johnson, in his state of the Union message, dramatized the importance of resource development, including the improvement of our water resources, in our quest for the Great Society. It is the intention of this subcommittee, through this legislation and other actions, to "prevent pollution of our water * * * before it happens" and to enhance the quality of life for all Americans.

I am most appreciative of the attendance by other members of the subcommittee at this first hearing, and I would like to make note of the fact that Senator Randolph, who has been an active and interested member of this subcommittee, intended to be present this morning but, in his State of West Virginia, a Governor is being inaugurated today and he, of course, must be present.

Senator Randolph has asked me to say that he regrets not being able to be present but he will review closely the testimony today. He is vitally interested in this legislation, of which he is a cosponsor.

Senator Boggs, would you like to make any comment at this point?

Senator Boggs. Thank you, Mr. Chairman. I think that you have made a very fine and comprehensive statement and I am ready to proceed.

Senator Moss. I have no opening statement, Mr. Chairman.

Senator METCALF. I have no comment.

Senator HARRIS. I have no comment, Mr. Chairman.

Senator MUSKIE. I am delighted to welcome Senator Harris, the newest member of the subcommittee, and I am sure he is going to bring to us the vigor and ingenuity and success that he brought to his recent election campaign.

Senator HARRIS. Thank you, Mr. Chairman.

Senator MUSKIE. Our first witness, this morning, is Mr. James M. Quigley, Assistant Secretary of Health, Education, and Welfare, an old friend and longtime fighter in this field. Sometimes he fights with me.

I am delighted to welcome you.

STATEMENT OF JAMES M. QUIGLEY, ASSISTANT SECRETARY OF
HEALTH, EDUCATION, AND WELFARE; ACCOMPANIED BY DEAN
COSTON, DEPUTY ASSISTANT SECRETARY FOR LEGISLATIVE
SERVICES, HEW

Mr. QUIGLEY. On Monday morning, I am not sure I can come up with an appropriate response to that so perhaps I should not say anything.

Mr. Chairman and members of the committee, I am delighted to be here this morning. Accompanying me is Mr. Dean Coston. Mr. Coston is Deputy Assistant Secretary for Legislative Services in the Department of Health, Education, and Welfare.

Mr. Chairman, I have a prepared statement which, with your permission, I would be pleased to read. It is relatively short.

The Department of Health, Education, and Welfare is pleased and encouraged that this committee is again considering legislation to widen and strengthen our national effort to abate water pollution.

Some 19 months ago, the Secretary of Health, Education, and Welfare appeared before this committee to testify on S. 649, a bill which later was passed overwhelmingly by the U.S. Senate. In all basic respect, that was the same bill as the one now being considered by this subcommittee.

As the chairman indicated in his opening remarks, that was the same bill as the one now being considered by this subcommittee with the two exceptions noted by the chairman.

As you will recall, Secretary Celebrezze supported the basic objectives of S. 649, both at the hearings on June 20, 1963, and in a letter written to the distinguished chairman of this committee, dated October 11, 1963.

Senator MUSKIE. Mr. Quigley, I think at this point, without objection from the committee, we might insert that letter from the Secretary so that it will be part of this record.

Mr. QUIGLEY. I am assuming the committee has a copy. If not, we will be happy to supply it.

(The letter referred to follows:)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., October 11, 1963.

HON. EDMUND S. MUSKIE,
Chairman, Special Subcommittee on Air and Water Pollution, Committee on
Public Works, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request of October 10, 1963, requesting my views on S. 649, "Federal Water Pollution Control Act Amendments of 1963," reported to the Senate by you on October 4, 1963.

Section 2, of the bill, creates the Federal Water Pollution Control Administration and assigns to that Administration those sections of the Water Pollution Control Act most closely associated with enforcement. As stated in my testimony, existing law would permit the establishment of such an Administration by the Secretary. Public Law 660 places responsibility for the administration of the water pollution control program in the Secretary and, in so doing, gives the Secretary complete authority to prescribe the organization which he deems most conducive to the effective performance of his duties under the act. While the present law is sound in this respect, if legislation is enacted to transfer the en-

forcement functions of this program to a new Administration within this Department, we would act promptly to implement the legislation.

The establishment of an additional Assistant Secretary for this Department is highly desirable. All of the programs of the Department would benefit from this important and necessary strengthening of the Office of the Secretary, and this provision of the legislation has my full support.

As also stated in testimony, the provisions in the original bill, establishing grants for the separation of storm and sanitary sewers, seemed premature. The revisions adopted by your committee establishing a modest program of demonstration grants will aid greatly in the development of sound solutions to this very critical problem.

The Department endorses fully the proposed increases in construction-grant ceilings, the general principles of incentive increases in the construction-grant program for regional planning, and the provisions for the promulgation of water quality standards.

The bill would establish a permit system to be administered by the Secretary to assure effective cooperation in the control of pollution from Federal installations. All Federal departments or agencies would be required to receive a permit from the Secretary before discharging any matter into the waters of the United States, and the permit would be revoked if pollution originating on a Federal installation is found. The effect of the revocation of such permit is not defined but we assume that this Department could not require the closing of Federal installations if the permit is revoked. We believe it would be desirable if the responsibilities of the Secretary, and of the Federal installations concerned in this regard, would be clarified in the legislative history of the bill in the Senate.

S. 649, as reported, contains provisions regarding the promulgation of standards and of regulations to control the use of nondegradable, synthetic detergents. This section, which establishes a technical committee, requires that committee to be composed of an equal number of representatives of the Department and of the industry. This provision of equal representation may lead to a stalemate within the committee and the resulting inability of the Secretary to promulgate effective regulations. If these regulations are violated, no statutory sanctions are provided or provisions for enforcement. Nevertheless, we believe that the general approach of this section of the bill is desirable and would be likely to have the results desired by the committee.

The overall purposes of S. 649 are highly desirable and it is our opinion that the bill, which has been reported after the impartial, excellent, and informative hearings held by your subcommittee, has been greatly improved.

Sincerely,

ANTHONY J. CELEBREZZE, *Secretary.*

Mr. QUIGLEY. Senator, Mr. Celebrezze and our Department continue our support for the major objectives of this bill, for the reasons expressed in the testimony and in the letter. Inasmuch as these are already a matter of record, I shall not repeat them here. But I will add one additional statement. The administration's concern with the problem of water pollution has not lessened in the past 19 months.

In that time, "a lot of water has flowed under many bridges." Unfortunately, much of it was polluted, and this is true despite the fact that at no time in our history have we put forth a greater national effort to cope with the problems of water pollution. For example, during the past 19 months, Secretary Celebrezze called 15 enforcement conferences under the Water Pollution Control Act. These actions affect 22 States, almost 600 industries, 400 municipalities, and thousands of miles of streams.

During the same past 19 months, construction of municipal sewage treatment facilities hit an alltime high—nearly \$1.5 billion for the years 1963 and 1964.

It was also during these past 19 months that the Public Health Service scientists established the fact of widespread contamination of the lower Mississippi River by insecticides. This was a disturbing illus-

tration of what may happen in America unless we successfully meet the challenge of this relatively new danger to our environment.

Also, during the past 19 months, our Department commenced two more major river basin studies; studies which will set up programs of pollution control and water management for years to come. The most recent of these studies—one which will take 7 years and involve approximately \$12 million in scientific research and study—is the Hudson-Champlain and metropolitan coastal project, which will survey the entire Hudson River Valley and the waters of New York Harbor.

Our scientific research has also been stepped up. We will have four new laboratories in operation in fiscal 1967 and two more in the year following. Along with this increase in physical plant, there is occurring an increase in scientific skills applied to water pollution research; 213 highly trained men and women, representing a wide range of scientific and engineering training, have joined our research and technical forces in the past 2 years and are now at work in laboratories or along our streams. Admittedly, this is not a vast army, but it is a rather large number in view of the competition for persons trained in these scientific skills, yet an inconsiderable, totally inadequate number in relation to our needs.

During the past 19 months we have studied further one of the problem areas in water pollution to which S. 4 addresses itself—the problem of combined sanitary and storm sewers. This study Mr. Chairman, has served only to increase our realization of what a serious problem this is. We now estimate that nearly 60 million people in more than 1,900 communities are served by these combined sewers which, during periods of heavy rainfall, dump enormous amounts of untreated wastes into our streams and, in so doing, undo much of the progress that has been made to reclaim these waters.

To solve this problem, by building separate storm and sanitary sewers in our major cities, would cost multibillions of dollars. It may be that ultimately this will have to be done in many places. However, in the meantime, section 3 of S. 4 directs that much more modest sums of money be expended in efforts to find a more efficient and less expensive answer. This is indeed a prudent approach to an admittedly difficult problem.

In his state of the Union message, President Johnson spoke of this administration's aspirations to enrich the life of our people through improving the beauty of America. He said most movingly:

For over three centuries, the beauty of America has sustained our spirit and enlarged our vision. We must act now to protect this heritage. In a fruitful partnership with the States and the cities, the next decade should be a conservation milestone.

And he said—

We will seek legal power to prevent pollution of our air and water before it happens. We will step up our effort to control harmful wastes, giving first priority to the clean up of our most contaminated rivers. We will increase research to learn more about control of pollution.

The President has stated that he will shortly submit a message to the Congress treating in depth this general subject.

I would conclude, Mr. Chairman, by observing that one additional and important element has entered into this country's attack against

water pollution. This is the leadership and direction which has come out of this committee. This has resulted in the overwhelming, bipartisan support for effective water pollution legislation in the U.S. Senate. In addition, it has given the public a new understanding of some of the problems of pollution control and a new determination to move in on this problem and it has encouraged all of us who are in the executive branch and are striving daily to cope with this problem.

Senator MUSKIE. Thank you, Mr. Secretary. I appreciate that statement.

I would like to ask just a few questions to expand upon what you said and, also, to emphasize a few points. One is this: You have spoken of the amount that has been expended in construction of municipal sewage-treatment facilities in 1963 and 1964 and you use the figure of \$1½ billion. Is that the total of all funds that were involved in that construction—State, Federal, and local?

Mr. QUIGLEY. That is the total end product resulting from State, local, and Federal expenditures. It would not include, I would add, however, a substantial amount of money that might have been spent by private industry.

Senator MUSKIE. I understand; so this is public expenditures.

Mr. QUIGLEY. This is public expenditure; yes, sir.

Senator MUSKIE. What proportion of that \$1½ billion was Federal money? Do you have that figure?

Mr. QUIGLEY. I can supply the figures specifically for the record. I think the figures will show that the program tended to peak in fiscal 1963 and then slide off somewhat. I think the explanation of that is that 1963 was the year when, in addition to the regular construction grant program of the Federal water pollution control law, the accelerated public works program was also in full swing.

Senator MUSKIE. The \$1½ billion; does it include the accelerated public works program?

Mr. QUIGLEY. It does.

Senator MUSKIE. Could you give us a breakdown reflecting that program, in order to distinguish between that expenditure and the moneys expended under the regular program?

Mr. QUIGLEY. We would be happy to supply that for the record.

Senator MUSKIE. Would you also give us an accumulated figure indicating what the expenditures have been from the initiation of the program?

Mr. QUIGLEY. Yes, sir.

Senator MUSKIE. Would you also give us the information as to the contribution by States, as distinguished from Federal and local governments, in this field? I take it that not all States are providing matching funds in this program.

Mr. QUIGLEY. Not all States do and some that do provide relatively limited amounts. I think that there is a growing trend in this direction and it is to be encouraged but, as of right now, the contributions from the States are limited both as to the number of States that do it and the amounts that they can and do contribute.

Senator MUSKIE. Would it be too difficult for you to supply us a table showing the trend and, also, the present status of State contributions?

Mr. QUIGLEY. I am sure that this can be done, Mr. Chairman, and it will be done.

Senator MUSKIE. I think we have this every time we hold hearings and I think it is well to update it.

(Subsequently, the following table was supplied:)

Construction grants for municipal waste treatment works—Projects approved by fiscal year as of Dec. 31, 1964

| Fiscal year | Number | Costs | Federal funds | State and local funds |
|------------------------------|--------|---------------|---------------|-----------------------|
| 1957: WPC ¹ | 446 | \$172,413,324 | \$37,942,326 | \$134,470,998 |
| 1958: WPC..... | 592 | 269,374,795 | 47,379,536 | 221,995,259 |
| 1959: WPC..... | 545 | 243,377,135 | 46,236,387 | 197,140,748 |
| 1960: WPC..... | 573 | 359,282,159 | 48,285,138 | 310,997,021 |
| 1961: WPC..... | 590 | 245,505,842 | 45,161,022 | 203,344,820 |
| 1962: WPC..... | 754 | 396,645,074 | 64,509,835 | 332,135,239 |
| 1963: | | | | |
| WPC..... | 779 | 505,835,861 | 78,950,901 | 426,884,960 |
| WPC-APW ² | 127 | 55,400,001 | | 28,372,162 |
| WPC..... | | | 13,277,127 | |
| APW..... | | | 13,750,712 | |
| APW ³ | 199 | 62,350,846 | 30,994,786 | 31,356,060 |
| Total..... | 1,105 | 623,586,708 | 136,973,526 | 486,613,182 |
| 1964: | | | | |
| WPC..... | 547 | 269,199,771 | 71,360,160 | 197,839,611 |
| WPC-APW..... | 182 | 76,192,327 | | 37,818,696 |
| WPC..... | | | 13,240,644 | |
| APW..... | | | 25,132,987 | |
| APW..... | 259 | 72,079,453 | 36,005,210 | 36,074,243 |
| Total..... | 988 | 417,471,551 | 145,739,001 | 271,732,550 |
| 1965: WPC..... | 373 | 313,280,050 | 60,659,900 | 252,620,150 |
| Grand total..... | 5,966 | 3,043,936,638 | 632,886,671 | 2,411,049,967 |

¹ WPC: Grants under the Federal Water Pollution Control Act, Public Law 84-660, as amended, only.

² WPC-APW: Combined grants made under Public Law 84-660 and the accelerated public works program, Public Law 87-658.

³ APW: Grants under Public Law 87-658 only.

NOTE.—State grant programs: 3 States (Maine, Maryland, and Vermont) have appropriated funds for grants to municipalities to assist in the construction of sewage treatment facilities. This aid has totaled \$17,350,188, divided as follows: Maine, \$4,723,087; Maryland, \$9,259,101; and Vermont, \$3,368,000. New York and Georgia have programs of State assistance but the programs are unfunded. Programs in 7 other States are concerned with loans for the preparation of plans and specifications, guarantee of municipal bonds, purchase of municipal bonds, and contributions toward yearly amortization charges.

Senator MUSKIE. Now, in the last 19 months, you have had the initiation of 15 enforcement conferences. That compares with how many initiated previously?

Mr. QUIGLEY. The total that have been initiated since the law was put on the books in 1956 has been 34. Almost 50 percent of those have been called within the last year and a half, which is indicative of the increased tempo that we are getting in this program.

Senator MUSKIE. That is my recollection. How many of those have actually led to court actions?

Mr. QUIGLEY. We actually ended up in court only in one instance.

Senator MUSKIE. Out of 34?

Mr. QUIGLEY. Out of 34; yes, sir.

Senator MUSKIE. Is it possible that some of the 15, to which you referred in your prepared statement, may yet lead to court action?

Mr. QUIGLEY. It is always a possibility, but I think the history and the experience we have had to date would indicate that, if this were to happen, it would definitely be the exception. We have

not, as a matter of fact, Mr. Chairman, usually had to go beyond the conference stage. The act provides for an administrative hearing but I think we have only reached that in perhaps three or four instances and this was in the very early stages of the program.

In recent years—as a matter of fact, I think during my entire identification with this program, which is now about 3½ years—we have never had to go beyond the conference stage.

Senator MUSKIE. This would appear to indicate that cooperation and compliance are the watchwords here, rather than police action; is that correct?

Mr. QUIGLEY. Certainly, I think everything in our experience has indicated that.

Senator MUSKIE. Are you finding an increasingly cooperative attitude on the part of industries which are affected?

Mr. QUIGLEY. I think it can be described in only that way, Mr. Chairman. I am not saying that everything is sweetness and light; and I am not saying that, occasionally, we don't have some sharp differences and some honest disagreements but clearly, in the last several years, there has been a marked increase in the spirit of cooperation and the actual cooperation on the part of industry toward this program.

Senator MUSKIE. If there were no record of occasional sharp differences, I would think that that might suggest either (1) that industry is not protecting itself effectively, or (2) that you are not insisting upon the public interest effectively. There has got to be a clash at some point, I would think.

May I ask whether or not you have, in an abbreviated but enlightening form, a record of those 34 conferences which could usefully be put in the record of this hearing, so that we might review it and get some total impression of what this program is, and what it means, and what it does?

Mr. QUIGLEY. We could, Mr. Chairman.

Senator MUSKIE. All right. We will have it checked out and include it at the conclusion of your testimony and this colloquy.

Mr. QUIGLEY. Yes, sir.

Senator MUSKIE. The river basin studies to which you referred, what do those involve, specifically?

Mr. QUIGLEY. Mr. Chairman, in an oversimplified answer: The river basin studies were initially intended to do what I believe you are aiming at in your standards section. It was a general recognition at the time the act was passed that what we were trying to do was after the fact. The pollution existed and many of the provisions put in the Federal law, whether construction grants or enforcement or even research, were designed to correct an existing situation. Comprehensive studies like the standards section, in the pending bill, were designed to bring a sense of organization and more intelligent use into our use of our rivers.

The standards section, of course, would, as I understand it, ultimately touch on all interstate waters or, at least, they theoretically could. In contrast, our major river studies, of necessity, because of the size and the scope and the depth into which these studies go, have to be limited to our major river basins. These comprehen-

sive studies are designed to bring together, in one place, all of the knowledge and all of the information on the makeup and characteristics, the present and potential use of a particular river basin, with the thought in mind that, on the basis of this information, more intelligent planning and more intelligent use of the rivers could be made in the future. The inevitable byproduct of which we would hope for would be more effective pollution control.

Senator MUSKIE. In your prepared statement, you say that you commenced two major river basin studies. Are these the first two?

Mr. QUIGLEY. No. Seven studies have been undertaken since the act has been on the books. We have, for all practical purposes, completed one. The others are in various stages of completion.

Senator MUSKIE. Have you prepared, or could you prepare, a summary of those which we might include in the record, at this point?

Mr. QUIGLEY. We could, and we will, Mr. Chairman.

(Subsequently, the following summary and chart were submitted:)

SUMMARY OF COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

The present concept of comprehensive water pollution control program development began with passage of the Federal Water Pollution Control Act of 1956. Its purpose is to provide both short- and long-range planned, logical, systematic means of preventing degradation or improving polluted waterways for the guidance of local, State, and Federal interests having responsibility for water pollution control. Such programs show the way for additional research, construction grants, enforcement, and a host of other related implementing means.

Water pollution control program development is considered to consist of three parts: (1) Planning; (2) implementation; and (3) operations, some or all of which may run concurrently.

Planning provides the blueprints: Implementation—the physical works, plants, dams, process changes, etc.; and operations—the everyday procedures to produce the highest quality of water in the system shown by the blueprint.

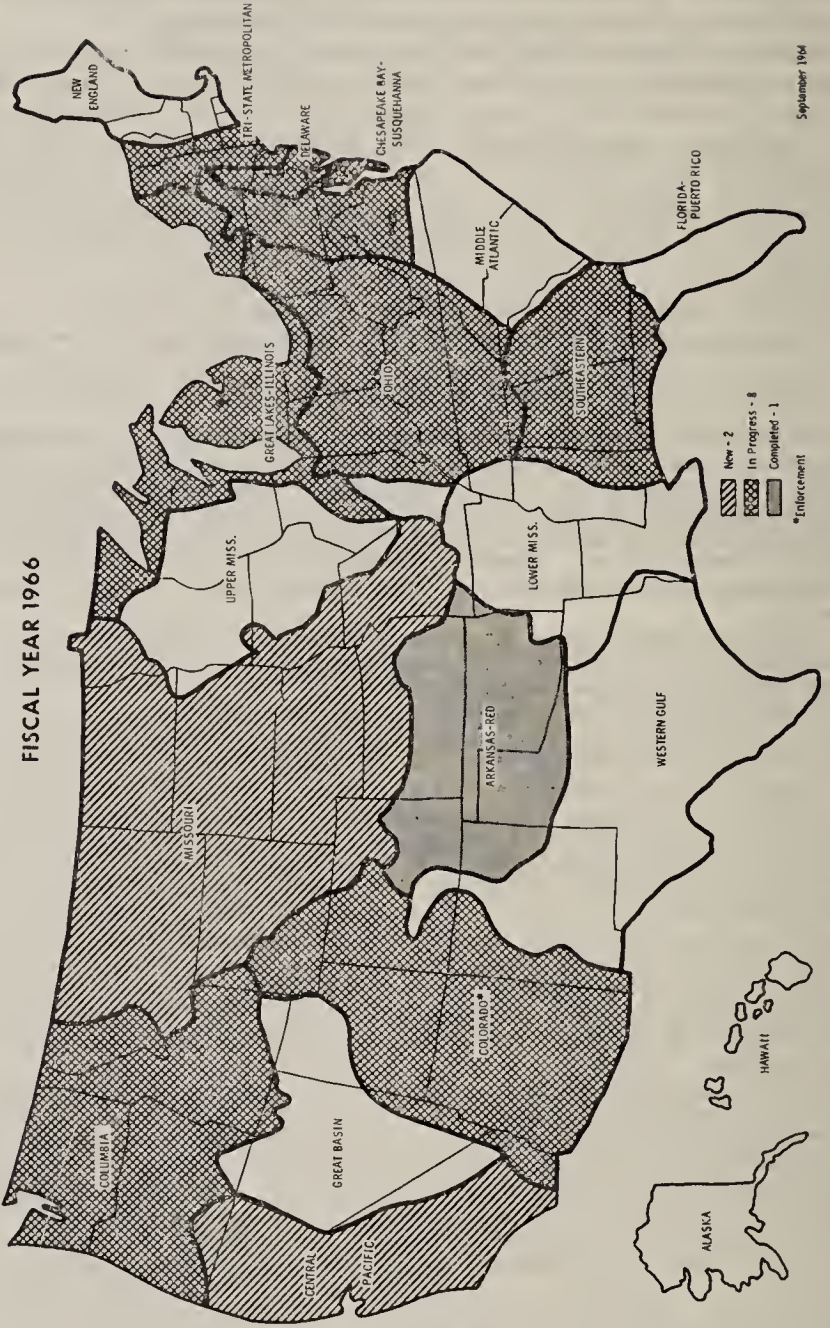
Water pollution results from a man's use of a stream to carry away his wastes in the cheapest (to the polluter) possible manner and from natural events; such as, erosion of soil or solution of natural minerals. This leads us to the conclusion that most events leading to pollution of a river are interrelated and that the logical approach to the control or prevention is on the river basin or watershed unit. As a result, the United States has been divided into 20 basic units or basins, some of which contain more than 1 river watershed. Seven such area units are being examined now and one has been completed.

The Arkansas-Red River Basins comprehensive project was initiated July 1, 1957, and the report was completed in August 1964. The pollution, of primary concern in these basins, is related to salt concentrations from natural and man-made sources.

The Columbia River Basin comprehensive project, the Great Lakes-Illinois River Basins comprehensive project, and the Chesapeake Bay-Susquehanna River Basins comprehensive project were begun in 1960. The Columbia and the Great Lakes projects are scheduled for completion in 1967. The Chesapeake Bay-Susquehanna project is to be completed in 1968. The Delaware estuary project was begun in 1961 and is scheduled for completion in 1967. The Ohio River Basin comprehensive project was begun in 1962 and is scheduled for completion in 1970. The Southeast River Basins comprehensive project was begun in 1963 and scheduled for completion in 1969. The Hudson-Champlain and metropolitan coastal comprehensive project was begun in 1964 and is scheduled for completion in 1971. Each project requires from 5 to 7 years for completion, depending on the complexity of the area. Two additional projects are scheduled to begin in late 1965. These are the Central Pacific project and the Missouri Basin project. The remaining 10 areas will begin as shortly thereafter as possible. The date for finishing the planning phase of all the projects is now tentatively set for 1972.

STATUS OF COMPREHENSIVE PROGRAM DEVELOPMENT PHASE

FISCAL YEAR 1966



The preparation of the plan for each area encompasses very careful observations of present physical, chemical, and biological phenomena and demographic and resource changes. The plan documents will include:

(1) A statement of the goals in water quality which the plan is designed to achieve.

(2) A statement of actions, their priority, and estimated costs required to meet the goals. The action required is stated in terms of waste removal or treatment, flow regulation in the stream system, or other means of control; such as, storm-water-holding reservoirs, diversions, etc.

(3) A statement on the expected growth characteristics of the watershed in terms of population, industry, and agriculture.

(4) A statement on countermeasures required to cope with such growth in the future. This part gives consideration to means of governing these areas so that the implementation and operations are coordinated and are in harmony.

(5) The development of a simulating model of each river basin so that a thorough examination of each development in the basin can be tested prior to its installation to determine the effects of the installation's waste products on the water quality. The simulating model is essential to the initial plan and for subsequent upgrading of the plan. It provides a continuing and dynamic planning device to bring new technology into the picture as it develops.

(6) A statement on the benefits incurred as the result of damages prevented or from improved water quality in the area. Benefits may or may not be stated in monetary terms because of the extremely complex relationship of water quality to its influence on use.

(7) A statement on, and the provision for, a residual water quality intelligence-gathering system which will enable the administrators to operate the system on a day-to-day basis as needed. The intelligence system will monitor the water quality at key points and make such intelligence available to the persons responsible for operating municipal and industrial plants, to the Corps of Engineers and Bureau of Reclamation, who may be responsible for releasing or storing water on a stream, and to the regulatory agencies for using in formulating enforcement procedures as necessary.

(8) Statements on scientific data accumulated during the field investigation stages of each project.

(9) Maps and graphs depicting the plan and its significant parts.

Senator MUSKIE. How much time is involved in making one of these studies? I notice that you suggest 7 years for the two to which you referred in your prepared statement. That seems a long time. Is there any way of expediting that?

Mr. QUIGLEY. That is a long time, Mr. Chairman, but if you note where it is, it is the Hudson River and the New York Harbor area. That is one of the most congested, complex industrial and urban areas in the world. In contrast, one of the rivers we are studying is the Susquehanna which flows down from New York into the Chesapeake. That study has gotten underway about a year or a year and a half ago and we would assume that, in a river like this, we could complete our study in considerably less time and for considerably less money. But, in any event, you just don't swing into one of these things and wrap them up in 3 or 4 months. At best, they are a 3- or 4-year effort, if you are really going to do the job properly.

Senator MUSKIE. I appreciate that point of view and I would agree with you, that this kind of work is not susceptible to a crash program approach, but could you expedite it with more personnel and more money spent effectively?

Mr. QUIGLEY. Theoretically I think that answer to that has to be "Yes." However, in the practical application of that theory, I am not so sure that it would always stand up because, as I indicated when I was referring to our acquisition of technical personnel, they are not always available where you want them, and when you want them, and with the skills and the experience you need.

Money is definitely a factor but I don't think it is the only factor. I think that we could do more and do it quicker with money but I don't know where the point of diminishing returns might set in.

Senator MUSKIE. Would you state that getting this work done is an important key to more effective and more rapid progress to pollution control?

Mr. QUIGLEY. Clearly, I think it is, Mr. Chairman, because I think that this gives you an overall view of a river basin and you make decisions as to what you do or what you should not do in the way of pollution control.

Senator MUSKIE. One of the fighting fronts here, really, is researching and field studies including these river basin studies. We have to push back the frontiers of knowledge before we can really do the job.

Mr. QUIGLEY. Let me add this additional point: You made reference to the St. Croix in discussing the standards section; how such standards might operate very effectively and very beneficially. I would think that it might be 25 or 50 years or maybe never before we would get to the St. Croix under the comprehensive river study approach and, by the time we did, the river might be in such bad shape that we would have an academic case study of the sad fate of a once-beautiful river.

Senator MUSKIE. I am glad you brought up that point so that we can focus on it. The President, in the language from his message which you quote, said that we must give first priority to the cleanup of our most contaminated rivers.

No one would quarrel with the importance of that kind of emphasis but, at the same time, it seems to me that we have to give immediate and continuing interest to preserving water quality where it now exists.

I would hope that we don't concentrate on our presently contaminated rivers to the exclusion of attention to those rivers which are still relatively clean but which will not be for long unless we develop programs to protect their quality.

Mr. QUIGLEY. Mr. Chairman, I agree with you but, at the same time, I think that, in the interest of accuracy, I should add that, up to now, this is pretty much what we have done. This is what we have been directed and authorized to do under the basic Federal act. Putting first things first, I think we have tended to concentrate on the worst pollution situations. But as we move forward, this committee, its chairman, and others who are interested, have recognized that while we are striving mightily and expending a lot of time, effort, and money to clean up our presently polluted waters, it would be prudent and make a lot of sense and, in the long run, it would be far more economical if we could practice a little preventive medicine. I would hope that the standards section, that is the pending legislation, would give us the lead and the opening we need to take up in this direction.

Senator MUSKIE. That is what I hope. Insofar as our most contaminated rivers are concerned, the standards section cannot do much more than to establish goals for cleanup; isn't that right?

Mr. QUIGLEY. Yes, sir.

Senator MUSKIE. In Maine we have been operating, since just after World War II, under a water classification law. The first thing that was done was to classify the clean waters, or the cleaner waters, in order to lock them up and to protect their quality.

The last thing that is being done, and it isn't finished yet, is to classify the contaminated waters. The result of course has been to postpone dealing as effectively as we might have with the existing problem, and to neglect some of our pressing problems but, at the same time, we approached the objective of protecting the rivers whose quality was of a higher order.

I would hope, and I am sure that the Department and that you personally are aware of the importance of these two objectives—dealing with the contaminated waters now but, at the same time, taking effective action to prevent contamination of other waters whenever we can. I would hope, if S. 4 becomes law and the standards section becomes law, that we will find the means to implement it effectively enough to move toward both objectives.

Mr. QUIGLEY. I share your hope, Mr. Chairman, because I clearly recognize that the standards section presents a challenge to us, to the States, and to industry but, frankly, I think it is nothing compared to the challenge it is going to present to our Department. We will have to find the talent, the tact, and everything else we need to design meaningful standards. This is no easy job.

Senator MUSKIE. I hope you won't be afraid to come up here and ask us for what you think are the necessary means. The ultimate responsibility is ours. We may not give it to you—and when I say “we,” I mean the Congress as a whole—but I think that, if the standards section is to mean anything at all, we must have the practical means to implement it. It isn't going to be the easiest piece of legislation to administer from all points of view. That I am quite aware of.

Mr. QUIGLEY. I would like to get my full and complete agreement with the chairman on that point, on the record, at this point.

Senator MUSKIE. Thank you, Mr. Secretary.

Senator Boggs, do you have any questions?

Senator Boggs. Thank you, Mr. Chairman.

Mr. Secretary, I appreciate your statement and the questions and answers with the chairman here, all of which were very helpful, and some of them covered points that I had in mind.

I do want to ask you, though, have you been making any progress with the Federal installations?

Mr. QUIGLEY. Yes, Senator; we have. I will be honest with you, however, and say, not as much as I would like or I think as much as we should.

This is not a particularly difficult problem in most instances as far as pollution control is concerned. As to the basic problem with Federal installations, I really hope, as the chairman indicated, that when the committee gets around to considering this question, not only in connection with water but with air, that we are clever enough and ingenious enough to devise an effective workable system. The problem is easy to understand.

You have a military installation, or you have a Federal prison, and they are both polluting the air and/or the water. Year after year after year, the warden or the commanding officer includes in his budget a request for funds to abate the pollution. And year after year after year there is a budgetary process which must be followed. As the budget request its way up through the chain of command, in the Pentagon or the Department of Justice, or even in

our own Department of HEW, sad to say, there are a number of installations in our own Department that are polluting.

Inevitably you reach that point and reach it repeatedly in the budgetary process where the budget must be cut. The Department cuts you back, or the Bureau of the Budget cuts you back, and then, perhaps, the Congress cuts you back. Inevitably the commanding officer or the warden has to make a judgment on the basis of such cuts. If the warden has to choose between a new sewage treatment plant or the additional number of security guards that he needs, he is going to come down on the side of security guards. The commanding officer at the military base, if he has to choose between more planes or better facilities for his men, he is going to come down on that side rather than on the side of pollution control.

I think that we need a system whereby the Federal Government treat these pollution questions as a high-priority item. They, perhaps, are not high from the point of view of military security or high from the point of view of our prison system but I think that we have to devise a system where these requests can kind of be taken out of the mainstream of budgetary requests and given their appropriate priority, as pollution control measures.

I think this is going to require a somewhat different approach so that when these requests come to the Congress, first, to make sure that they do come to the Congress, and, secondly, that when they come, if things are going to be cut, these pollution control efforts aren't going to suffer. This is where we keep falling back. Everybody keeps recognizing the problem and everybody keeps facing up to the problem but, somehow or other, we never seem to come up with the dollars that can eventually be earmarked to do the job that must be done.

Senator Boggs. We have to be as vigorous, I think, as we do with the States and municipalities and with private industry on this. We have to set the example.

Mr. QUIGLEY. I am particularly sensitive about this, Senator, because I frankly don't think that the Federal Government should be going out telling the municipalities and States and industry to get the mote out of their eye until we do something about the beam in our own.

Senator Boggs. If you could—when you submit the other reports requested by the chairman, progress reports and information on them—submit one on this section, it would be helpful, too, to show what we are doing with Federal installations.

(Subsequently, the following data were submitted:)

FEDERAL POLICY AND PROCEDURES FOR CONTROL OF POLLUTION FROM FEDERAL INSTALLATIONS

In 1948, President Truman directed all agencies of the executive branch of the Federal Government to conform with the State water pollution control programs applicable to State agencies and the public generally.¹

In the 1956 Federal Water Pollution Control Act, Congress enacted the following:²

"It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, insofar as practicable and consistent with the interests

¹ Executive Order No. 10014, Nov. 3, 1948 (3 CFR 836, 1943-48 compilation).

² Sec. 9 of the Federal Water Pollution Control Act, as amended by the act of July 9, 1956 (70 Stat. 498, 506; 33 U.S.C. 466h).

of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and with any State or interstate agency or municipality having jurisdiction over waters into which any matter is discharged from such property, in preventing or controlling the pollution of such waters."

In 1960, President Eisenhower moved to implement the congressional policy when he requested the Secretary of Health, Education, and Welfare to compile an inventory as to how Federal installations dispose of their waste waters.

The Department of Health, Education, and Welfare and the General Services Administration, in cooperation with all Federal departments and agencies, compiled an inventory consisting of 58 volumes entitled "Waste Water Disposal Practices at Federal Installations." This inventory listed the waste water disposal practices of Federal activities as of December 31, 1960, on all real property owned by or leased to the Federal Government. The inventory was completed and transmitted to President Kennedy in November 1962. On December 14, 1962, President Kennedy sent letters to the Secretary of Health, Education, and Welfare, and to the heads of every department and agency of the Federal Government, which letters read as follows:

"I share your concern over the fact that we do not have fully effective programs to control water pollution at all Federal installations. The Government should set an example in the abatement of water pollution and I hope the deficiencies noted in your report will be corrected at the earliest possible time.

"I will look to you to take the lead in working with other officials of the executive branch in this matter. The departments and agencies are to cooperate fully with you in planning and carrying out needed improvements."

The inventory shows the Federal installations discharged their waterborne wastes at 17,799 separate discharge points and their nonwaterborne wastes at 4,857 separate places.

In February 1963, the Department of Health, Education, and Welfare established a program to carry out President Kennedy's directive for reducing water pollution from waste discharges of Federal installations. Primary responsibility for the program was placed on the regional program directors of the Public Health Service's Division of Water Supply and Pollution Control. Responsibility for coordinating the regional program was assigned to an Assistant Secretary of the Department in Washington.

Exhibit A is a statement setting forth procedures by which HEW assists Federal agencies to carry out President Kennedy's directive of December 14, 1962.

The Natural Resources and Power Subcommittee of the Committee on Government Operations, House of Representatives, in May 1963, made a study of the inventory and selected 18 agencies having a total of 1,003 discharge points which met one or more of the following criteria:

(1) Discharges to surface waters or the ground (not into sewers) either untreated industrial wastes (excluding cooling waters) at a rate of 3,000 or more gallons per day; or

(2) discharges to surface waters or the ground (not into sewers) non-waterborne wastes of 200 or more persons per day; or

(3) has received a notification from a Government entity that a pollution condition exists.

In May 1963, the committee requested each of the 18 agencies to cooperate with the Public Health Service in inspecting each installation concerned and to report the extent of pollution found at each discharge point and to report on any plans for abating any pollution found to be present at the time of inspection.

Between May 1963 and November 1964, the U.S. Public Health Service had inspected 969 discharge points. The remaining discharge points are at AEC installations. These require inspection by special technically qualified personnel and are being inspected as manpower is available.

Evaluation of the inspections of the 969 discharge points discloses that:

(a) Five hundred and fifty-seven points are located at installations, the inspection of which disclosed: (1) the wastes were being adequately treated; or (2) discharged to public sewers; or (3) the methods of waste disposal were adequate, in the judgment of the Public Health Service, for terrain and location; such as, firing ranges, forest recreation areas, etc.

(b) One hundred and thirty-three discharge points are located at installations which have: (1) begun pollution abatement feasibility studies; or (2) have begun engineering design of facilities to correct pollution conditions; or (3) have scheduled the financing of pollution abatement facilities; or (4) the construction of pollution abatement facilities is underway; or (5) are being connected to a public sewer.

(c) Eighty-six discharge points are located at U.S. National fish hatcheries or live fish laboratories which, in the judgment of the Public Health Service, do not cause a water pollution problem.

(d) Thirty-four discharge points are at installations reported to be deactivated and disposed of by the Department of Defense or are no longer Federal installations.

(e) Seventy-one discharge points have daily volumes of: (1) less than 3,000 gallons per day of untreated wastes; or (2) sanitary wastes from less than 200 persons per day; or (3) only cooling waters.

(f) Eighty-eight discharge points are located at installations whose actions toward controlling or treating wastes are, in the judgment of the Public Health Service, either inadequate or nonexistent.

In July 1964 the Bureau of the Budget, Executive Office of the President, issued an amendment to Circular No. A-11 "Instructions for the Preparation and Submission of Annual Budget Estimates" in which section 6(h) states:

"Estimates for the design and construction of Federal facilities and buildings will provide for the installation of air and water pollution control and treatment systems, in accordance with instructions issued by the Public Health Service."

Exhibit B is that portion which relates to water pollution control of the instructions prepared by the Department in the implementation of section 6(h) of Bureau of the Budget Circular A-11.

EXHIBIT A

PROCEDURES FOR ABATEMENT AND CONTROL OF POLLUTION AT FEDERAL INSTALLATIONS

This statement sets forth procedures by which this Department will help agencies of the Federal Government carry out the President's recent directive in regard to the abatement and control of water pollution at Federal installations.

Primary responsibility at the regional level for this activity will rest with the regional program directors of the Division of Water Supply and Pollution Control, Public Health Service. This Division is the agency charged with administering the Federal Water Pollution Control Act (33 U.S.C. 466). (A list of the Division's regional offices is listed at the end of this exhibit (exhibit A).)

Authorization for the program rests in a letter of December 14, 1962, written by the President to the Secretary of Health, Education, and Welfare. In this letter, the President wrote:

"I share your concern over the fact that we do not have fully effective programs to control water pollution at all Federal installations. The Government should set an example in the abatement of water pollution, and I hope the deficiencies noted in your report will be corrected at the earliest possible time.

"I will look to you to take the lead in working with other officials of the executive branch in this matter. The departments and agencies are to cooperate fully with you in planning and carrying out needed improvements."

This joint program will be administered primarily by regional program directors working with the Federal installations which exist within their areas. According to the instructions presented later in this statement, program directors will develop priorities for local action; will conduct surveys and investigations; and will hold themselves ready to offer technical advice and counsel in the solution of abatement problems.

INVENTORY OF WASTE WATER DISPOSAL PRACTICES

The basis for this program is the recently completed inventory of Federal waste water disposal practices which was compiled by this Department. This inventory, entitled "Waste Water Disposal Practices at Federal Installations," has now been published in a series of 58 reports. Fifty-three of these provide inventory information on a State-by-State basis and the others list information according to department or agency.

Full distribution of relevant reports is now being made to the Federal agencies concerned. Supplies are being furnished all regional program directors for further distribution, where this may be required, including distribution to State water pollution control agencies.

The information developed in the inventory, plus supporting data, will provide sufficient background information about waste water disposal practices to launch the program of water pollution abatement outlined below. As will be seen, this program involves four activities.

1. Priorities of action

Program directors will begin immediately to determine, from the materials furnished them, which of the Federal installations in their area are now discharging waste waters into federally owned or controlled sewerage systems for final disposal.

Directors will then establish a system of priorities for surveys of these installations. First priorities will be assigned to those which are known or suspected of providing no treatment, or less than adequate treatment, for their domestic and industrial wastes and whose discharges are known or suspected of causing or contributing to the deterioration of water quality in the area of their discharge.

All Federal installations located within areas where enforcement procedures have been invoked under the Federal Water Pollution Control Act will be included in immediate-action categories as well as those which have been the subject of complaints.

2. Surveys and investigations

Program directors will, in the order of the priorities, conduct surveys and make investigations of Federal installations, for the purpose of determining—

(a) The adequacy of any treatment provided to control pollution of the receiving waters;

(b) The remedial measures necessary to abate and control such pollution;

(c) What current plans an installation has for installing the remedial measures determined by the program director to be required;

(d) Status of any plans; e.g., completed design and specifications, availability of appropriations, dates for commencement and completion of construction, start of operation.

3. Remedial action

In all cases where remedial action seems necessary, program directors will offer the services of this Department for help in solving technical problems. Where no plans for correction of a situation have been made, the program director will assist in developing appropriate abatement programs; where plans exist which seem inadequate or unsatisfactory, he will work toward correcting or improving these plans.

It is believed that cooperative work between program directors and heads of Federal installations will succeed in developing programs which will result in pollution abatement within a reasonable period of time. In cases where agreement cannot be reached, the program director will refer the matter, fully documented, to the Department.

4. Evaluation and reports

Program directors will check the progress made at each installation where the treatment has been determined to be insufficient and will report this periodically to the Department. Any instances where reasonable progress is not being made will be brought to the attention of the Department without delay.

Program directors will furnish the Department with information on their plan for carrying out this assignment, including a list (noting assigned priorities) of those installations discharging their waste waters to a federally owned or controlled system for final disposal, and their plans, including dates, for conducting surveys and investigations.

REGIONAL PROGRAM DIRECTORS

Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont): Regional Program Director, Water Supply and Pollution Control, 120 Boylston Street, Boston, Mass., Hubbard 2-6550.

Region II (Delaware, New Jersey, New York, and Pennsylvania): Regional Program Director, Water Supply and Pollution Control, Room 1200, 42 Broadway, New York, N.Y., Whitehall 3-2424.

Region III (District of Columbia, Kentucky, Maryland, North Carolina, Virginia, West Virginia, Puerto Rico, and the Virgin Islands) : Regional Program Director, Water Supply and Pollution Control, 700 East Jefferson Street, Charlottesville, Va., telephone : 296-5171.

Region IV (Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee) : Regional Program Director, Water Supply and Pollution Control, Room 404, 50 Seventh Street NE., Atlanta, Ga., Trinity 6-3311.

Region V (Illinois, Indiana, Michigan, Ohio, and Wisconsin) : Regional Program Director, Water Supply and Pollution Control, Room 712, New Post Office Building, 433 West Van Buren Street, Chicago, Ill., Wabash 2-8550.

Region VI (Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota) : Regional Program Director, Water Supply and Pollution Control, 2305 Federal Office Building, 911 Walnut Street, Kansas City, Mo., Baltimore 1-7000.

Region VII (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas) : Regional Program Director, Water Supply and Pollution Control, 1114 Commerce Street, Dallas, Tex., Riverside 8-5611.

Region VIII (Colorado, Idaho, Montana, Utah, and Wyoming) : Regional Program Director, Water Supply and Pollution Control, Room 551, 621 17th Street, Denver, Colo., Keystone 4-4151.

Region IX (Arizona, California, Nevada, Oregon, Washington, Alaska, Hawaii, and Guam) : Regional Program Director, Water Supply and Pollution Control, 447 Federal Office Building, Civic Center, San Francisco, Calif., Klondike 2-2350. Portland Suboffice, Room 570, Pittock Block, Portland, Oreg., Capitol 6-3361.

EXHIBIT B

INSTRUCTIONS FOR THE INSTALLATION OF AIR AND WATER POLLUTION CONTROL AND TREATMENT SYSTEMS AT NEW FEDERAL FACILITIES AND BUILDINGS

INTRODUCTION

These instructions are issued pursuant to section 6(h) of Circular No. A-11, "Instructions for the Preparation and Submission of Annual Budget Estimates," Bureau of the Budget, Executive Office of the President, which states: "Estimates for the design and construction of Federal facilities and buildings will provide for the installation of air and water pollution control and treatment systems, in accordance with instructions issued by the Public Health Service."

These instructions are also in accordance with section 7 of the Clean Air Act (42 U.S.C. 1857f) and section 9 of the Federal Water Pollution Control Act (33 U.S.C. 466h) which declare it to be the intent of Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, insofar as practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare and with any air or water pollution control agency in preventing and controlling air and water pollution caused by such Federal property.

B. WATER POLLUTION CONTROL

1. General principles

(a) The Public Health Service will provide specific instructions on the water pollution control system required at individual Federal installations in accordance with technical guidelines and procedures listed in sections 2 and 3 below.

(b) These instructions will be provided at the field level by the regional program director, Division of Water Supply and Pollution Control, Public Health Service, in the Department of Health, Education, and Welfare, regional offices. (A list of these regional offices is attached.) Where overall policy or technical consultation is required at the headquarters level, the agency concerned should contact the Chief, Division of Water Supply and Pollution Control, Washington, D.C.

(c) In general, these instructions will require that the Federal installation meet the requirements of the State water pollution control authority concerned, except where more stringent requirements are necessary.

(d) Water pollution requirements can most readily be met by taking these into consideration in the initial stages of planning. It will be the responsibility of the agency concerned to seek instructions from the Public Health Service at the earliest stage feasible.

(c) The actual design of water pollution control systems, in accordance with these instructions, is the responsibility of the Federal agency concerned. However, in cases where unusual or difficult waste disposal problems exist, the Public Health Service may provide technical assistance, based upon arrangements made with the regional program director, Division of Water Supply and Pollution Control.

2. Technical guidelines

(a) In general, Federal installations should provide secondary treatment or its equivalent for all wastes except cooling water. However, in those cases where the Public Health Service and the State water pollution control agency concerned agree that a lesser degree of treatment is adequate to protect the quality of the receiving waters, a lesser degree of treatment may be provided.

(b) If discharge of cooling water is expected to create problems by significantly increasing the temperature of the receiving waters, facilities should be installed to prevent such occurrences.

(c) Storage of toxic materials, oils, gases, gasoline, or other materials capable of causing water pollution if accidentally discharged into a waterway through collapse of storage containers or other accident should be so located and protected by catchment areas as to prevent the spillage from reaching the waterway.

(d) No waste should be discharged which contains inorganic or organic substances in concentrations toxic or harmful to humans, aquatic life, or wildlife.

(1) Where methods of treatment are available, or can be reasonably developed, that will remove or render harmless such toxic pollutants, such treatment should be provided.

(2) Where methods of treating such toxic pollutants are impractical or cannot be developed, other methods of disposal should be applied; for example, disposal into deep geological formations, or recovery by evaporation.

(e) Treated waste discharged should be monitored for radioactivity when there is reason to believe that radioactivity may be present, such as when isotopes are used in the installation. The level of radioactivity in the stream immediately below the waste discharge point should not exceed the limits established by 10 C.F.R., part 20 (Standards for Protection Against Radiation), not be in violation of Federal Radiation Council guidance.

(f) Operating plans for waste treatment facilities should include provisions for laboratory analyses and the maintenance of records upon which the efficiency of operation can be evaluated.

3. Procedures

(a) In planning for a Federal facility or building where the wastes are to be discharged to a municipal sewer, the agency concerned will certify to the regional program director that waste disposal arrangements have been made with the appropriate local authority, and will inform the regional program director of (1) the size and type of the facility, (2) the number of people involved, and (3) the type of industrial process and waste discharge involved, if any.

(b) In planning for a Federal facility or building where the wastes will not be discharged to a municipal sewer, but will require a separate outfall, the agency concerned will contact the regional program director for specific instructions concerning the type and/or level of waste treatment required. In furnishing these instructions, the regional program director will arrange for any necessary coordination with the appropriate State water pollution control authority.

(c) During the planning and design phase of the facility or building, and prior to awarding the construction contract (in the case of 3(b) above), plans for the water pollution control system will be submitted to the regional program director for review and approval. The reviewing office will indicate in its approval of plans and operating procedures the laboratory examinations considered necessary for the evaluation of plant operation.

Senator BOGGS. I bring it up primarily, because, as the chairman stated in his opening message, he introduced—and I was happy to cosponsor along with other Members of the Senate—the bill on Federal installations, which he put in last week. It has already been asked of me, “Why separate the two bills?” I want to assure you, I am sure on behalf of the chairman and myself, there was no intention of lessening our vigor or pushing as hard for the enactment of that legislation as we are for this. In fact, I would be greatly disappointed if it is not enacted.

But I do sense that a lot of people feel that this legislation would never get through if you have the Federal installations section in there. I wanted to try to clear that up because it seems to me that is just as important as any other phase of this, but it may need more study as the chairman has pointed out.

The more information we could get in this record to show that the effort will be as vigorous to get that enacted and meet that challenge as it is in other areas, I think would be helpful to us.

Mr. QUIGLEY. Thank you, Senator. I agree with you completely. This is an important problem, and I think what we need to do is to devise a way to focus the necessary executive and congressional and public attention on it. I think once we do that, the solution will be forthcoming.

Senator BOGGS. I wanted to ask, Mr. Quigley, a question which is more or less technical, but when we get into the standards question, I realize that there are some technical questions there.

First, under the present law, the Secretary sets ad hoc standards to bring about compliance following a conference; isn't that correct?

Mr. QUIGLEY. Basically, Senator, that is correct. The Secretary makes a judgment on the basis of the information he has that there is interstate pollution occurring, and then the conference is called.

Senator BOGGS. And then if the Secretary convenes a hearing board, subsequently, which is the next step following the conference, does that board have the authority to find against the Secretary's ad hoc standards on the basis of the hearings?

Mr. QUIGLEY. Senator, I think that you are giving to the Secretary's ad hoc standards a status and a rigidity or standing that they don't really have. I think what you have is that, the law says whenever the Secretary on the basis of studies and reports and information, has evidence that interstate pollution is occurring, that pollution is occurring in one State with adverse effects on the health and welfare of people in another State, then he can convene the conference.

Now, this is in effect kind of like a grand jury action. It is prima facie evidence of pollution and it is no more than that. It could very well be that when the conferees meet, they could determine, one, that the evidence the Secretary has is not substantial and that there really isn't any meaningful interstate pollution, or they could find that there is pollution but it is not interstate, in which case they would so report to the Secretary.

If and when you get to a hearing, and as I indicated in answer to the chairman's question, these instances have been relatively few, and the board of hearing examiners could make recommendations to the Secretary as to what the standards ought to be in this instance, and what ought to be done to meet these standards, and what the timetable should be.

Senator BOGGS. And that would be any changes that the hearing board might develop in any ad hoc standards initially put out as a result of the conference?

Mr. QUIGLEY. This is kind of a common law approach. You hear the evidence and you make the law as you go along.

Senator BOGGS. That is my impression, too, Mr. Secretary. I don't know whether you have had time to give it full enough consideration, but do you believe that under S. 4 the same authority the board now has would continue, and that they could find against the Secretary based on the standards promulgated by him following a standards conference called for in S. 4?

Mr. QUIGLEY. I think that they could. But I think, Senator, this would be a rather rare instance. Let us say that the bill passes and we devise standards for a given river. Let us say it takes us 3 years to do that. Then let us say 2 years later the Secretary would call a conference under the enforcement section.

Now, I think it is theoretically possible, but I don't think it is likely, that the conferees could conclude, one, that the Secretary's standards were too low, that the situation had changed so much in the last 2 years from the time they were set that they ought to be upgraded.

Now, I would assume that the Secretary could agree with that recommendation. By the same token, I suppose the conferees could say or could conclude that they are too high. Then I think that the Secretary would again be faced with the decision—does he follow the standards or does he follow the more recent recommendations of the conferees or hearing board.

Senator BOGGS. Thank you.

Senator MUSKIE. While we are on that point of standards, I think I ought to inject in the hearing at this point the results of a meeting that I had with representatives of the steel industry who are basically supporting the standards section but who want to recommend a modification.

I think that modification proposed ought to be made a part of the record at this point, for consideration by the committee subsequently.

Referring to page 7 of S. 4, which is the standards section, the appropriate language, subsection (c) (1), (2), and (3), is as follows:

In order to carry out the purposes of this Act, the Secretary may, after reasonable notice and public hearing and in consultation with the Secretary of the Interior and with other Federal agencies, with State and interstate water pollution control agencies, and with municipalities and industries involved, prepare regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof.

Now, I will skip over subsection 2 which is not pertinent to my immediate point, and go to subsection 3 at the top of page 8:

Such standards of quality shall be such as to protect the public health or welfare and serve the purposes of this Act. In establishing standards designed to enhance the quality of such waters, the Secretary shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.

It is proposed to add at the end of the sentence I just read, and as a part of that sentence, the following—

to the end that all economic, health, esthetic, and conservation values which contribute to the social and economic welfare of an area be considered in determining the most appropriate use or uses of such waters.

Now I will add just one further quotation to round out the record at this point, and that has to do with the proposed amendment of the enforcement section of the present law. This has to do with the standards which the court shall apply in evaluating the standards section as it may involve enforcement action.

The language as amended would read as follows:

The court, giving due consideration to the practicability of complying with such standards as may be applicable, and to the physical and economic feasibility of securing abatement of any pollution, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require.

Now, basically what we are trying to do in this language is to achieve the objective of higher water quality, while at the same time recognizing three limitations: (1) multiple uses to which water must be put in our society; (2) the economics of improving water quality; and (3) the technological and scientific limitations of the same.

Now, this is our intent and our objective. Senator Boggs has raised the point and this is a good place in the record to express that intent in the way that I have, realizing the limitation of language and expression aren't always perfect.

Mr. QUIGLEY. Mr. Chairman, if I could comment. I think the point that Senator Boggs raised and the point that you just raised here is that there is not something sacrosanct about these standards, that in the normal, ordinary procedures for implementing and applying them, to wit, the conference or the hearing or the court review under the enforcement section, the reasonableness and the soundness of applying these standards to a given situation can be questioned and reviewed.

I think that this is important because they are not going to become some kind of a sacred cow which everybody has to bow to and no one can question their applicability.

I think every effort will be made to make them sound in the first instance, but once they are promulgated, they are like legislative congressional enactments. There is nothing to prevent us from going back and taking another look and saying they ought to be changed.

Senator MUSKIE. That is right. The value of doing it as provided under the proposed bill, S. 4, is that you have them established in advance, so that they can be a guide to performance by those who use waters, and also can be tested in advance of what some people might call punitive action or enforcement action by the Secretary.

I am sorry, but some of our other committee members had to leave. It is a pleasure to welcome Senator Montoya, who is a member of the full committee. We are delighted to have you here.

Senator Bayh, do you have any questions?

Senator BAYH. No, Mr. Chairman, I think that the testimony of the Secretary has been very helpful for the record, and I don't care to add anything to it.

Senator MONTOKA. I have no questions, Mr. Chairman.

Senator MUSKIE. I would say that you have been let off pretty easy this morning.

I might make one other point. I know that the Department and presumably the President, as well as this committee, are considering the possibility of changes in the dollars that are involved in all of this. That includes the limitations on individual projects, and the limitations on all kinds of municipal projects, as well as overall authorizations for the sewage treatment plant program.

I think it is well to indicate that these are open questions at this point.

Mr. QUIGLEY. I think that that is desirable, Mr. Chairman, because as we are all aware, the President is preparing and he will submit shortly a general message on this subject. As of right now I am not in a position to know or to say what the final recommendations would be.

Senator MUSKIE. That I understand, but I thought we ought to keep the record clear here, so that we are in a position to act or react to whatever recommendations we may get. Thank you very much, Mr. Secretary.

Mr. QUIGLEY. Thank you, Mr. Chairman.

(Subsequently, the following statement on enforcement actions was submitted:)

ENFORCEMENT ACTIONS

Of the 34 actions initiated to date, 21 have been brought on Federal initiative to abate pollution of interstate waters. Thirteen actions were taken at the requests of State water pollution control agencies or individual Governors—eight on interstate waters, two requested by Governors to extend to both interstate and intrastate waters, and three requested by Governors on intrastate waters only.

Forty States and the District of Columbia have been parties to these actions, of which four have entailed the hearing stage of the enforcement proceedings. The first of these, the Corney Creek pollution situation, was conducted under the provisions of the 1948 Water Pollution Control Act (Public Law 845, 80th Cong.). The other three public hearings were called by the Secretary on the Missouri River—St. Joseph, Mo., area, the Missouri River—Kansas City metropolitan area, and Missouri River—Sioux City area pollution situations as a result of failure to abide by the time schedules for remedial action established at the conferences. Subsequent delay in complying with the Hearing Board's recommendations by the city of St. Joseph led to the initiation of court action. Although it did not become necessary to follow through with the full court proceedings, the court assumed jurisdiction and issued an order substantially embodying the Hearing Board's recommendation. All of the remaining enforcement actions have to date involved only the conference stage.

More than 1,000 municipalities and a like number of industries have been included in the scope of these proceedings. They have included such large metropolitan areas as New York City, Detroit, the Kansas Cities, and St. Louis and such large corporations as Armour, Swift & Co., DuPont, Scott Paper, Vanadium Corp. of America, Olin-Mathieson, Crown Zellerbach Corp., Weyerhaeuser Timber Co., and others.

The pollution of well over 7,000 miles of streams and bays will have been abated when remedial facilities entailing the expenditure of an estimated \$1.780 billion have been constructed. All types and sources of pollutants have been involved, including municipal sewage and industrial waste discharges such as food processing wastes, pulp and paper processing wastes, radioactive uranium milling wastes, and toxic chemicals.

ENFORCEMENT PROCEDURES

Federal enforcement actions to abate pollution of interstate or navigable waters are authorized under the provisions of section 8 of the Federal Water Pollution Control Act. The enforcement jurisdiction encompasses pollutorial interferences with any of the legitimate water uses. Its application is manda-

tory at the request of a Governor, a State water pollution control agency, or a municipality, in whose request the Governor and State agency concur, when the pollution crosses State lines to the detriment of the health or welfare of persons in the receiving State. Enforcement action must also be taken by the Federal Government without such request when on the basis of reports, surveys, or studies such inimical interstate pollution is found to be occurring. Enforcement procedures to abate intrastate pollution of interstate or navigable waters may be applied only upon the request of the Governor of the State, in whose confines the pollution is occurring.

The Federal authority is asserted in three distinct stages: (1) the conference, (2) the public hearing, and (3) court action. Each successive step is taken only if the one preceding is unsuccessful in securing compliance with recommended abatement measures. Throughout the procedures, State action under its own authorities to remedy the pollution is encouraged and is not displaced by Federal action until the court has issued an order and assumed jurisdiction in the final stage of the procedures. State and Federal interests are thus fully coordinated, although the reaction of some parties to the initiation of Federal enforcement action would imply that this is not so.

The conference, which is as far removed as possible from being an adversary procedure, brings together the Federal Government and the State and interstate water pollution control agencies concerned. It inquires into the occurrence of the pollution subject to abatement, the adequacy of measures taken to abate it, and delays, if any, that are being encountered. The conferees may agree upon a schedule of required remedial measures, or in the absence of adequate scientific and technical data, may agree that further study is necessary before a schedule may be established. The States are encouraged to obtain compliance under their own laws when an agreed upon remedial schedule has been established, and are allowed at least six months to take the necessary actions.

In the event that failure to take such action necessitates recourse to the public hearing stage, the alleged polluters, whether a municipality or an industry or other entity or individual, are made direct participants before a Hearing Board appointed by the Secretary. Findings are made by the Hearing Board on the evidence presented and it recommends to the Secretary the measures which must be taken to secure abatement. The Secretary sends these findings and recommendations to the polluters and to the State agencies, together with a notice specifying a reasonable time, which may not be less than 6 months, to secure the abatement of the pollution.

The Secretary may request the Attorney General to bring court action when the recommended remedial measures are not taken by the polluters within the time specified in the notice. The written consent of the Governor is necessary to proceed with court action in an intrastate pollution matter.

ENFORCEMENT ACTIONS—FEDERAL WATER POLLUTION CONTROL ACT

Actions taken on Federal initiative.—The 21 enforcement actions taken upon Federal initiative involved the following interstate water pollution situations:

1. Corney drainage system, 1954 (Arkansas-Louisiana).
2. Big Blue River, 1957 (Nebraska-Kansas).
3. Missouri River in the St. Joseph, Mo., area, 1957 (Missouri-Kansas).
4. Missouri River in the Omaha, Nebr. area, 1957 (Nebraska-Kansas-Missouri-Iowa).
5. Potomac River in the Washington Metropolitan area, 1957 (District of Columbia-Maryland-Virginia).
6. Missouri River in the Kansas Cities Metropolitan area, 1957 (Kansas-Missouri).
7. Lower Columbia River, 1958 (Washington-Oregon).
8. Raritan Bay, 1961 (New York-New Jersey).
9. Mississippi River, Clinton, Iowa area, 1962 (Illinois-Iowa).
10. Androscoggin River, 1962 (New Hampshire-Maine).
11. Coosa River, 1963 (Alabama-Georgia).
12. Pearl River, 1963 (Louisiana-Mississippi).
13. Menominee River, 1963 (Michigan-Wisconsin).
14. Lower Connecticut River, 1963 (Massachusetts-Connecticut).
15. Monongahela River, 1963 (West Virginia-Maryland-Pennsylvania).
16. Snake River, Lewiston-Clarkston area, 1963 (Idaho-Washington).

17. Lower Mississippi River, 1964 (Arkansas-Tennessee-Louisiana-Mississippi).
18. Blackstone and Ten Mile Rivers, 1965 (Massachusetts-Rhode Island).
19. Mouth of Savannah River, 1965 (Georgia-South Carolina).
20. Mahoning River, 1965 (Ohio-Pennsylvania).
21. Calumet Rivers, lower end of Lake Michigan, and tributaries (Indiana-Illinois).

Actions taken at State request.—State water pollution control agencies or Governors have requested Federal enforcement assistance in 13 pollution situations. Interstate pollution was concerned in ten such requests, of which two also extended to intrastate waters at the requests of the Governors. Three actions involving only intrastate waters were brought upon requests of the Governors concerned.

1. Missouri River in the Sioux City Area, 1958 (South Dakota-Iowa-Nebraska-Missouri-Kansas).
2. Mississippi River in the St. Louis Metropolitan Area, 1958 (Missouri-Illinois).
3. Animas River, 1958 (Colorado-New Mexico).
4. Bear River, 1960 (Idaho-Wyoming-Utah).
5. Colorado River and all tributaries, 1960 (Colorado-Utah-Arizona-Nevada-California-New Mexico-Wyoming).
6. Holston River, North Fork, 1960 (Tennessee-Virginia).
7. North Platte River, 1962 (Nebraska-Wyoming).
8. Puget Sound-Upper Columbia River, 1962 (Washington) (requested by Governor).
9. Detroit River, 1962 (Michigan) (requested by Governor).
10. Escambia River, 1962 (Alabama-Florida).
11. South Platte River, 1963 (Colorado) (requested by Governor).
12. Upper Mississippi River, 1963 (Minnesota-Wisconsin) (includes interstate and intrastate waters at Governor's request).
13. Merrimack-Nashua River, 1963 (New Hampshire-Massachusetts) (includes interstate and intrastate waters at Governor's request).

STATUS OF ENFORCEMENT ACTIONS

1. Corney drainage system (Arkansas and Louisiana)

This enforcement action was held under the Water Pollution Control Act of June 30, 1948. On June 9, 1954, the Surgeon General found that oil well discharges originating in Arkansas were endangering the welfare of persons in Louisiana by causing the pollution of the Corney drainage system. This pollution was primarily brine from some 75 oil wells, all privately owned.

A public hearing was held on the matter of pollution of the interstate waters of the Corney drainage system on January 16-17, 1957, at Homer, La. On the basis of evidence presented, the hearing board required that polluters of the Corney drainage system cease and desist from discharging substances which contribute to the pollution within 90 days of receipt of the board's recommendations.

As of 1960, the unsatisfactory brine pits had been replaced and abatement is being accomplished by injection systems. According to available information, these systems are working satisfactorily and the polluters (owners of wells) are in full compliance. The Arkansas Water Pollution Control Commission and the U.S. Public Health Service keep constant surveillance on the area to see that proper operation of reinjection systems is maintained.

2. Big Blue River (Nebraska and Kansas)

A conference was held on May 3, 1957, at Beatrice, Nebr. Eleven municipalities and one institution in the States of Kansas and Nebraska were involved. Remedial action adopted and complied with by the conferees involved construction of new facilities and additions and modifications to existing facilities as well as programs of improved operation and maintenance. Over \$1.8 million was expended in the construction of waste treatment facilities, with Federal grants of \$491,973. Cities involved included Beatrice, Friend, Milford, Hastings, and Wilbur, Nebr. The effectiveness of the treatment now provided for the discharges entering the Big Blue River is under study.

3. Missouri River, St. Joseph, Mo., area (Missouri and Kansas)

A conference was held at St. Joseph, Mo., on June 11, 1957, on the pollution situation caused by the discharges of untreated sewage and industrial wastes by St. Joseph, Mo., and its associated stockyard area. Involved in the conference were 8 municipalities, 4 institutions, and 18 industries.

Failure to abide by the schedule necessitated the calling of a public hearing by the Secretary of the Department of Health, Education, and Welfare on the city of St. Joseph and 18 industries, which was held on July 27-30, 1959. Subsequently, in view of continued failure to comply, suit was filed by the United States against the city of St. Joseph in the Federal District Court at St. Joseph, Mo., September 29, 1960. The court issued an order on October 31, 1961, substantially embodying the hearing board's recommendations.

Three million dollars in revenue bonds have been sold to pay for the construction of the main sewage treatment plant at St. Joseph. Industries involved will discharge to industrial district or municipal plants. The court has retained jurisdiction over compliance in this case.

4. Missouri River, Omaha, Nebr., area (Nebraska, Kansas, Missouri, and Iowa)

The first session of the conference was held on June 14, 1957, at Omaha, Nebr., and the second session on July 21, 1964, at Omaha. The conferees at the first session found that the major source of pollution was Omaha, Nebr. Fourteen municipalities, four sewer districts, two institutions and five industries were involved. At the second session, the conferees agreed to accept Omaha's new plan whereby the city would finance and build another treatment plant designed to treat packinghouse wastes, particularly paunch manure, not removed by the industries themselves.

5. Potomac River, Washington metropolitan area (District of Columbia, Maryland, and Virginia)

The first session of the conference was held on August 22, 1957, at Charlottesville, Va., and a second session was held on February 13, 1958, at Washington, D.C. Untreated and inadequately treated sewage from Alexandria, Va., Arlington and Fairfax Counties, Va., and the District of Columbia contributed to pollution of the river. Eleven municipalities and two industries are involved.

The conferees, at the second session, established time schedules for remedial measures. Implementation of the time schedule is proceeding and substantial improvements have been made. Secondary treatment facilities at the Blue Plains treatment plant for Washington, D.C., were placed in operation in July 1959. Further improvements are now proceeding. Virginia and Maryland communities are also complying with the time schedule for construction of abatement facilities. Industrial waste has not been a significant problem in the Washington, D.C., area.

6. Missouri River, Kansas Cities metropolitan area (Kansas and Missouri)

The conference was held at Kansas City, Mo., on December 3, 1957. Principal sources of pollution were discharges of untreated and inadequately treated sewage and industrial wastes involving 30 municipalities, 3 subdivisions, 3 institutions, 2 sewer districts, and 33 industries. A schedule of remedial measures to be instituted by the two Kansas Cities and North Kansas City and their associated industries was recommended by the conferees.

When effective progress was not obtained, in accordance with the schedule of remedial measures, the Secretary of Health, Education, and Welfare called a public hearing on Kansas City, Kans., Kansas City, Mo., North Kansas City, Mo., Fairfax Drainage District of Kansas and 11 industries. The hearing was held June 13-17, 1960, at Kansas City, Mo.

Substantial progress has been made in the Kansas Citys metropolitan area. Financing has been provided for the construction of pollution abatement facilities by Kansas City, Kans., in the amount of \$15 million; North Kansas City, Mo., \$7,443,000; and Kansas City, Mo., \$75 million. Two industries involved, Phillips Petroleum Co. and Sinclair Refining Co., are providing their own separate treatment. Other industries, including Procter & Gamble, General Motors, and Swift & Co., will be served by the municipal system.

7. Mississippi River, St. Louis metropolitan area (Missouri and Illinois)

A conference was held March 4, 1958, at St. Louis, Mo., involving St. Louis, 22 other sewer districts in Missouri, and 23 communities, 17 industries, and an institution in Illinois. The conferees established a time schedule for remedial

action. In November of 1962, St. Louis voted a \$95 million bond issue for the construction of treatment facilities and action has or is being taken to abate pollution from the Illinois sources. Some industries, including Shell Oil Co., Standard Oil Co., United Starch & Refining, and Sinclair Oil & Refining, now provide adequate treatment. Eight progress meetings have been held to coordinate pollution abatement programs in the area.

8. Animas River (Colorado and New Mexico)

The first session of the conference was held April 29, 1958, at Santa Fe, N. Mex., and a second session was held June 24, 1959, at Santa Fe. A mill of the Vanadium Corp. of America, abandoned mines, and the municipalities of Durango and Silverton, Colo., were involved. The conferees found pollution of the Animas River was caused by discharges of uranium-milling wastes and toxic chemicals from the Vanadium Corp. of America at Durango, Colo.

The Vanadium Corp. complied with the conference schedule, by January 1960, by construction of necessary facilities and treatment is satisfactory. The Public Health Service made additional recommendations which were followed by the corporation and surveillance is continuing. The river has now been incorporated in the Colorado River Basin project.

9. Missouri River, Sioux City area (South Dakota, Iowa, Nebraska, Missouri, and Kansas)

A conference was held July 24, 1958, at Sioux City, Iowa. Sewage and industrial wastes from sources in South Dakota, Nebraska, and Iowa caused pollution of the Missouri River so as to endanger the health and welfare of persons in States other than that in which the discharges originated. Major source of the pollution was Sioux City and its associated industries, notably meatpacking plants. A schedule of necessary remedial measures was established by the conferees.

Failure to abide by the schedule necessitated the calling of a public hearing by the Secretary of Health, Education, and Welfare on Sioux City and 10 industries, March 23-27, 1959. Sioux City, the major source of pollution, has now completed its sewage treatment plant at a cost of \$2.3 million. Most of the major interceptor sewers have been completed. Industries named in the hearing proceedings, including Swift & Co., Armour & Co., and other meatpacking plants, will connect to the municipal system.

10. Lower Columbia River (Washington and Oregon)

The conference was held on September 10-11, 1958, and followed by a second session September 3-4, 1959. Waste discharges from Portland, Oreg., Vancouver, Wash., 47 other communities, and 21 industries, among them Crown Zellerbach Corp., Weyerhaeuser Timber Co., and other pulp and paper companies, were involved.

A remedial time schedule for pollution abatement was recommended by the conferees. In Portland, Oreg., the voters approved financing for treatment facilities on November 8, 1960. All Washington municipalities and industries, including some of the Nation's largest pulp and paper companies, are reported in compliance by the State with the exception of Vancouver and Cathlamet where construction is expected shortly. Oregon reports all municipalities and industries now provide year-round chlorination of sewage effluents discharged directly to the lower Columbia River.

11. Bear River (Idaho, Wyoming, and Utah)

The first session of the conference was held on October 8, 1958, followed by a second session July 19, 1960. Major sources of pollution were wastes from 14 sugar-, meat-, and milk-processing industries in Idaho and Utah. Five municipalities are also involved.

After the second session of the conference, the Surgeon General recommended a time schedule for remedial action. Some municipalities in Idaho have completed treatment facilities in compliance with conference recommendations. The sugar and milk industries in these States have made great strides in meeting their waste treatment needs.

12. Colorado River and all its tributaries (Colorado, Utah, Arizona, Nevada, California, New Mexico, and Wyoming)

There have been five sessions of the conference on the Colorado River to date: The first on January 13, 1960; the second, May 11, 1961; the third, May 9-10, 1962; the fourth, May 27, 1963; and the fifth on May 26, 1964. At the first session the conferees decided that further investigation and study was needed

to define the type of interstate pollution problems which may exist in the interstate waters of the Colorado River and its tributaries. At the second session the conferees agreed on matters which should receive the greatest attention in the studies of the river. At the third session, the status of the investigations and studies and progress in technical aspects of the studies of the river were reported, as well as progress in pollution abatement on the Animas River, a tributary of the Colorado. At the fourth session the conferees agreed that salinity of water was the major problem demanding attention.

Radioactive wastes have been so reduced that the radium content of the waters of the Colorado and its tributaries does not exceed $1 \mu\text{mcl}$ or about one-third the amount allowed in the PHS drinking water standards.

Field studies and investigations are being conducted currently to determine the extent of pollution by cities, industries, and irrigation projects. The expected date of the completion of these comprehensive studies is 1966.

It is estimated that waste discharges from 274 municipalities and 83 industries are involved.

13. North Fork of the Holston River (Tennessee and Virginia)

The first session of the conference was held September 28, 1960, with a second session being held June 19, 1962, involving discharges from the Olin Mathieson Chemical plant at Saltville, Va. Calcium and sodium chlorides in these wastes are a major source of pollution. The extent of deterioration water quality and interferences with water uses was not agreed upon at the first session of the conference; however, it was agreed that interstate pollution subject to abatement under the Federal Water Pollution Control Act was occurring. Olin Mathieson has increased the size of its impounding reservoir. This will not provide a permanent solution to the pollution problem but will remove peaks in chloride discharges enabling downstream users to make necessary adjustments.

14. Raritan Bay (New York and New Jersey)

The first session of a conference was held August 22, 1961, at New York, N.Y., and the second session was held on May 9, 1963, also in New York City. Discharges of untreated and inadequately treated sewage and industrial wastes by municipalities and industries in New Jersey and New York pollute the interstate waters of the Raritan Bay so as to endanger the health and welfare of persons in these two States.

The conferees at the first session found that scientific data taking into account a wide range of factors and technological problems, including health, conservation, water policy and uses, and industrial processes were urgently needed, and are the critical issue in further control of pollution of these waters. They agreed at the second session to the continuation of ongoing studies being made to determine the extent and the effects of pollution and to furnish a basis for recommendation of remedial measures. This area includes one of the largest industrial and municipal complexes in the country.

15. North Platte River (Nebraska and Wyoming)

Two sessions of the conference were held; the first, September 12, 1961, and the second, March 21, 1962. A third session was held on November 20, 1963. Thirteen municipalities and 14 industries are involved. Discharges of industrial and municipal wastes in Wyoming below Torrington, with wastes discharged from the sugar beet processing companies a major source, pollute this stretch of the river.

In general, the sugarbeet industry in these two States has made great strides in treating their industrial wastes. The sugarbeet mill at Torrington has installed remedial facilities. Industrial wastes from Mitchell, Gering, Scottsbluff, and Bayard, Nebr., and municipal wastes from numerous cities in Nebraska require waste treatment facilities. A time schedule has been established for construction of facilities by municipalities in that State, and construction is taking place.

16. Puget Sound, upper Colorado River (Washington)

At the request of the Governor of the State of Washington, a conference was held on January 16-17, 1962, at Olympia, Wash., on pollution of the Puget Sound, the Strait of Juan de Fuca, and all navigable estuarine waters and navigable streams. A second session on the upper Columbia River and navigable tributaries in Washington will be held at a later date.

The discharges causing and contributing to pollution in these waters come from various industrial and municipal sources, notably from the pulp and paper industry. Industries involved include Scott Paper Co., Rayonier, Inc., Weyerhaeuser Timber Co., Fibreboard Products, Inc., and Puget Sound Pulp & Timber Co.

The industries named at the conference as sources of industrial pollution were required by the conferees to control their waste discharges at least to the extent specified in the temporary permits issued to them by the Washington Pollution Control Commission. A time schedule for remedial action by these industries was established by the conferees requiring completed and approved engineering plans and specifications by January 1963.

The conferees recommended further that representatives of both the State of Washington and the U.S. Department of Health, Education, and Welfare develop a joint program to carry out such investigations and studies of the river as are required. Comparative studies are now being made on various aspects of pollution problems in this area: oceanographic, biological, chemical, and economic.

17. Mississippi River, Clinton, Iowa, area (Illinois and Iowa)

A conference was held at Clinton, Iowa, on March 8, 1962. Discharges causing and contributing to pollution from industrial and municipal sources in Iowa caused interferences with uses of the river for public and industrial water supplies, commercial and sport fishing, recreational purposes and the esthetic enjoyment of the river.

Among the industries involved are Pillsbury Co., Dairypak Co., Swift & Co., and Clinton Corn Processing Co. The conferees recommended a time schedule for remedial action on the entire reach of the river involved. The cities of Clinton and Comanche, Iowa, along with industry, are taking action to meet this time schedule.

18. Detroit River (Michigan)

The Governor of the State of Michigan requested on December 6, 1961, that the Secretary of the Department of Health, Education, and Welfare call a conference on the navigable waters of the Detroit River and its tributaries within the State of Michigan. The conference was held March 27-28, 1962, involving a considerable number of communities and industries. Some of the industries involved include Chrysler Corp., Mobil Oil, Monsanto Chemical, Firestone, and innumerable others.

The conferees agreed that an investigation and study of the river is necessary in order to determine sources of pollution, nature of pollution and the effects thereof, appropriate methods of abatement, and appropriate methods to avoid delays in abatement. This investigation and study established subsequent to the conference has been completed. The conference will be reconvened at the call of the chairman with the concurrence of the Michigan Water Resources Commission to consider the results obtained from the investigation and study, and to agree on action to be taken to abate pollution.

19. Androscoggin River (New Hampshire and Maine)

The first session of the conference was held September 24, 1962, at Portland, Maine, and continued on February 5, 1963. Reports, surveys, and studies indicated that pollution from industrial and municipal sources is occurring in the interstate waters of the Androscoggin River. This pollution makes the river unsuitable and unsafe for most legitimate water uses.

At the conference representatives from the States of New Hampshire, Maine, and the New England Interstate Pollution Control Commission refused to serve as conferees, but in the second session participated in the conference discussion from seats in the audience.

20. Escambia River (Alabama and Florida)

Wastes from communities and industries were involved in proceedings at this conference which was held on October 24, 1962. The conferees found that pollution of interstate waters subject to abatement under the Federal Water Pollution Control Act was not occurring in the Escambia River at that time. Although the municipalities of Brewton, East Brewton, and Flomaton in Alabama were not providing treatment for their wastes, it was not demonstrated that their discharges had any interstate effect. Two of these communities now have active programs for the construction of treatment facilities. The industries on the river in Alabama have taken measures to avoid water pollution.

21. Coosa River (Alabama and Georgia)

At this conference held August 27, 1963, in Rome, Ga., the pollutional effects of waste discharges of 3 municipalities and more than 11 industries were considered. A schedule for remedial action has been established.

22. Pearl River (Louisiana and Mississippi)

A conference was held October 22, 1963, in New Orleans, La., involving at least two municipalities and two major industries. A time schedule for remedial action has been established.

23. South Platte River (Colorado)

The Governor of Colorado on July 18, 1963, requested that the Secretary of Health, Education, and Welfare take action under section 8 of the act on the intrastate navigable waters of the South Platte River Basin. Accordingly a conference was held on October 29, 1963, in Denver, Colo., principally involving waste discharges from the Denver metropolitan area, 13 other municipalities, 10 great western sugar processing plants, the Packaging Corp. of America, and numerous mining and oil extracting and processing industries. At the conference it was agreed that Metropolitan Denver Sewage Disposal District No. 1 will collect and provide secondary treatment for all wastes within its district, to be in operation by 1966. Commensurate schedules will be adopted for other communities and industries which have not joined the Metropolitan Denver Sewage Disposal District. Then conferees further agreed that the U.S. Department of Health, Education, and Welfare in cooperation with the Colorado State Department of Public Health will initiate a joint investigation and study to determine the nature and extent of pollution in the South Platte River Basin. This investigation is in progress.

24. Menominee River (Michigan and Wisconsin)

A conference was held November 6-8, 1963, at Menominee, Mich., to consider pollutional effects of municipal and industrial waste discharges from both States. At least 7 industries, among them Kimberly-Clark Corp., Scott Paper Co., and Marathon Division of the American Can Co., and 11 municipalities are involved. A remedial schedule for pollution abatement was established.

25. Connecticut River (Massachusetts and Connecticut)

The conference was held December 2, 1963, at Hartford, Conn. Principal sources of pollution were waste discharges from at least 26 municipalities and 20 industries. A remedial schedule was established by the conferees.

26. Monongahela River (West Virginia, Pennsylvania, and Maryland)

The conference was held December 17-18, 1963, at Pittsburgh, Pa. Involved at the conference were more than 94 municipalities and 93 industries. One of the principal sources of pollution is coal mine drainage. The State of Pennsylvania has a program to abate pollution from municipal and industrial sources by the end of 1966. Commensurate programs have been developed by West Virginia and Maryland. As recommended by the conferees a technical committee consisting of representatives of West Virginia, Pennsylvania, Maryland, the Ohio River Valley Water Sanitation Committee, and the Federal Government has been established to explore the means of abating pollution caused by coal mine drainage.

27. Snake River, Lewiston-Clarkston area (Idaho and Washington)

The conference was held January 15, 1964, at Lewiston, Idaho. Principal sources of pollution were waste discharges from three municipalities and four industries. The conferees recommended that a joint cooperative study of bacterial pollution in the Snake River be made by the Department of Health, Education, and Welfare, and the Washington and Idaho water pollution control agencies during the summer of 1964.

28. Upper Mississippi River (Minnesota and Wisconsin)

The conference was held on February 7-8, 1964, at St. Paul, Minn. Involved at the conference were more than 25 municipalities and 43 industries, and 3 Federal installations. As recommended by the conferees, the Department of Health, Education, and Welfare, in conjunction with the water pollution control agencies of Wisconsin and Minnesota, has begun an intensive survey of the Mississippi River. The study project includes, but is not limited to, investigation of municipal, industrial, and Federal installation wastes, thermal sources of

pollution, agricultural sources of pollution, bulk storage areas, pipelines, barges, coliform bacteria, biochemical oxygen demand, suspended solids, sludge deposits, oil, algae, tastes and odors, pesticides, and with the cooperation of the Corps of Engineers, low flow augmentation. At the completion of the study and report of its findings, the conference will be reconvened at the call of the conference chairman to determine necessary action.

29. Merrimack-Nashua Rivers (New Hampshire and Massachusetts)

The conference was held on February 11, 1964, at Boston, Mass. Principal sources of pollution were waste discharges from at least 44 municipalities, 57 industries, and 2 Federal installations. A remedial schedule has been established.

30. Lower Mississippi River (Arkansas, Tennessee, Mississippi, and Louisiana)

A conference was held May 5-6, 1964, at New Orleans, La. Discharges from at least 28 municipalities and 62 industries are involved. An investigation is underway to identify all sources of pollution affecting the main stem of the lower Mississippi River.

31. Blackstone and Ten Mile Rivers (Massachusetts and Rhode Island)

Conference scheduled to be held January 26, 1965, at Providence, R.I.

32. Mouth of the Savannah River (Georgia and South Carolina)

Conference scheduled to be held February 2, 1965, at Savannah, Ga.

33. Mahoning River (Ohio and Pennsylvania)

Conference scheduled to be held February 16, 1965, at Youngstown, Ohio.

34. Calumet Rivers, Lower End of Lake Michigan, and tributaries (Indiana and Illinois)

Conference scheduled to be held March 2, 1965, at Chicago, Ill. This conference will include the Grand Calumet River, Little Calumet River, Calumet River, Lower End of Lake Michigan, Wolf Lake, and their tributaries.

Senator MUSKIE. Our next three witnesses will come before us as a panel. We have found this a useful device in the past, in order to get an exchange of opinion, and a clash from time to time.

The members of our panel are Mr. A. J. vonFrank, of the Manufacturing Chemists' Association, Mr. William R. Adams, president of the St. Regis Paper Co., for the Pulp, Paper & Paperboard Institute, and Mr. Louis C. Clapper, of the National Wildlife Federation.

Gentlemen, would you please come forward and take your seats? May I welcome you and express appreciation for your interest in coming, and I look forward to some interesting testimony.

You all have prepared statements. Mr. vonFrank, would you proceed, please?

Do you want to identify the other gentleman with you?

STATEMENT OF A. J. vonFRANK, MANUFACTURING CHEMISTS' ASSOCIATION, INC.; ACCOMPANIED BY WILLIAM J. CONNER

Mr. vonFRANK. I am accompanied by Mr. William J. Conner. We come before you today representing the Manufacturing Chemists Association, Inc., a nonprofit trade association, of 186 U.S. member companies, large and small, that together account for more than 90 percent of the productive capacity of the chemical industry in this country.

I am a graduate engineer with 19 years' experience in industrial waste treatment, and Mr. Conner is an attorney with special knowledge in this field. We are both professionally employed by member companies of the association, and currently are officers of the MCA Water Resources Committee.

Our association is on record through testimony last year in support of many of the provisions of the bill now before you. We can appreciate the need for an additional Assistant Secretary in the Department of HEW to shoulder the increasing administrative burdens involved in water quality control matters. We can understand the desires of those who would place the water pollution control function at a higher level in the Department, although we feel that the Secretary would be better equipped to meet the changing needs of the program if the organization of his Department would continue to remain flexible under his judgment, rather than be fixed by statute.

Certainly it is the better part of wisdom to research thoroughly for alternate practicable methods of coping with the problem of storm overflows from combined (storm-sanitary) sewers before embarking on separation schemes that will cost \$300 billion and upwards. Increases in the Federal contribution to municipal pollution control projects will strengthen the existing programs in that area.

However, we continue to be concerned with section 5 of this bill, which would authorize the Secretary to promulgate standards of water quality for interstate streams and portions thereof—essentially all of the important streams in the country. We feel obligated to express this concern.

It should be significant that 19 State water pollution control administrators appeared before the House committee and unanimously opposed Federal authority to fix standard for their States' streams.

Senator MUSKIE. May I ask a question at this point, simply for clarification?

It is not the intention of the proposed standards to apply to intrastate streams, as I know you know. Was it not, in fact, the burden of the testimony of these States that they understood the legislation proposed fixed standards on intrastate streams?

Mr. vonFRANK. As I interpreted the testimony and colloquy that attended it, I had a distinct impression that the State people found it extremely difficult to divorce what you might call intrastate streams and its pollution control role, as a distinct and separate matter from controlling pollution of interstate streams.

Senator MUSKIE. They were objecting, then, to Federal control on interstate streams as well as on intrastate streams? They recognized that we did not propose to provide for standards on intrastate streams.

Mr. vonFRANK. I would say that that is true. I think the objections which covered a broad range involved considerations other than the specific locale of where the pollution occurred.

Senator MUSKIE. As you stated it here, it seemed to suggest a possessive attitude on the part of States toward streams, which, in fact, are not theirs, but which are interstate and in cases affect many States. This is why I was prompted to ask the question. It is the possessive attitude toward the streams which concerns me.

Mr. vonFRANK. Perhaps the remainder of the statement might develop that thought, sir.

Senator MUSKIE. Well, you have clarified my point that they understood what we were talking about in standards are standards on interstate streams, and not standards on intrastate streams.

Mr. vonFRANK. I think in terms of specific wordage in the bill, and precisely what it meant, it was a reasonably clear understanding of that aspect of it.

The consensus of nearly all professional associations working in the field of water quality is the same. Among these are the Water Pollution Control Federation—90 percent of whose membership is municipal, State, interstate and Federal people—the National Society of Professional Engineers, and others.

LEGAL EFFECT OF STANDARDS

Public debate and extensive private discussion about the significance of "standards" as referred to in section 5 of S. 4 and its predecessor bill leave no doubt that there is uncertainty about the intended meaning. From our association's earlier appearance before this subcommittee, and from reading the past record of other related proceedings, we understand that the standards in view are separate and independent sets of water quality requirements for particular portions of interstate waters, in each case uniquely determined. This is of great importance. Technical and economic logic demands that water quality requirements be considered on a stream-by-stream basis, and not as a single set of uniform standards applied across the board without regard to differing circumstances.

Senator MUSKIE. With respect to the sentence that you just read, do you consider the objective of S. 4 to be inconsistent with that sentence?

Mr. VONFRANK. No, I think the colloquy with the previous speaker sheds some light on that. The concept of a single set of uniform standards applied across the board, which had been an element of discussion much earlier in the testimony, we recognize fully is not in the collective mind of this committee. I am aware of that.

Senator MUSKIE. I think the bill last year and the Senate report on S. 649 indicated quite clearly that we were not talking about a single set of uniform standards, and you understand that to be the case now.

Mr. VONFRANK. Yes, sir.

Secondly, although the text of the bill, as well as your earlier colloquy with us, Mr. Chairman, assure that the proposed standards would be made to take effect through the enforcement procedure of the act, the legal effect of the standards enroute is in question.

One possibility is that upon promulgation by the Secretary, the standards are binding through the conference and hearing board stages. This is a possibility, and I am merely discussing a possibility at this point. It may be challenged in court only with respect to practicability and feasibility. If this is to be so, it amounts to Federal preemption of water pollution control, in direct conflict with the spirit—although possibly not the letter—of the act respecting State responsibilities. True, the Secretary would be required to consult with State and interstate authorities, among others, and give them an opportunity to issue their own standards. But the Secretary's judgment would prevail if there were a difference of opinion, and his standards would carry the weight of Federal authority. It is safe to predict that court challenges would be few and far between, thus for practical purposes the Secretary would be endowed with mastery over virtually all of the Nation's waters of real significance, and would control their uses through determination of acceptable quality. This is an awesome responsibility.

A second possible interpretation is that the standards would be subject to modification by the conference or by the hearing board, as well as by the court. If this is the intent, the standards are in reality the Secretary's recommended standards, and it would be better if they were so designated to avoid any possibility of misunderstanding.

We suggest that failure to define clearly, within the legislation itself, the legal effect of standards would be a real disservice to future progress. Unquestionably, there has been lack of understanding and confusion about what is intended on the part of those who have been following the legislative proposal, and we doubt that the legislative history would clarify the distinctions that are needed to avoid contention in the future.

Senator MUSKIE. May I interrupt at this point? I don't want to interrupt the prepared statement by too extended a colloquy, but you seem to suggest here the two possibilities which you have outlined. One is that Federal standards may be meaningful; or two, they may be meaningless.

I would concede, under S. 649, and under S. 4, if we reached the point, after all of the conferences and all of the opportunities for States to act, that no standards were established for interstate waters involved except those suggested by the Secretary, then the Secretary's standards would ultimately become the established standards requiring compliance by those who use the waters in question. I concede that. Frankly, it seems to me that it could not have less effect than that without being meaningless in terms of a Federal presence in the field. That is simply my frank opinion.

Now, you jump quite quickly from this interpretation of S. 4, or S. 649, to your statement:

Thus, for practical purposes, the Secretary would be endowed with mastery over virtually all of the Nation's waters of real significance.

You are assuming, when you say that, that the States aren't going to act under the stimulus of this kind of legislation. If you are right in assuming that the States will not act, then you have less confidence in the viability and sense of responsibility of the lower levels of government than I have.

I don't think that this piece of legislation gives the Secretary mastery over all of the Nation's waters of real significance, unless there is a complete abandonment on the part of State and local governments of their responsibilities to deal with this. It is because we have confidence that under a proper stimulus, which would generate a cleanup attitude, to put it that way, across the country, the States will act.

I suggested in my earlier colloquy with Mr Quigley that it would not be easy to administer this standard section if it becomes law, because of the sheer size of the task that is involved. In order to do that job, a very heavy responsibility for action would fall upon State and interstate agencies, it seems to me, if section 5 becomes law.

I said at the outset I didn't want to interrupt your prepared statement by too extended a colloquy and I proceeded to do just that. But I did want to make that point quite clear at this point. We can get into a further discussion, as I am sure we will, with you and other members of the panel after the prepared statements are completed.

Mr. vonFRANK. It is very difficult to summarize briefly in a complex

area like this. One of the aspects is the ability of the States to do the job, that we are all interested in having them do, and to do it correctly. I think if you were to isolate one point in our testimony here and try to express it in one sentence, that we are really talking about making what President Johnson described in his state of the Union address as a fruitful partnership between the States and the Federal Government.

Our point in the ensuing testimony here is that we may very well be headed toward something else other than that. I would rather have the testimony develop of itself.

Mr. Conner, do you have any comment on that?

Mr. CONNER. If I may make a very brief statement, Mr. Chairman, I think that our concern is not that the States will not do the job, if given the opportunity, as you have suggested. Our concern is that the bill, as presented, says that the Secretary has the authority, if he wishes, to review the State standards and if he, in his sole judgment, does not agree that they are adequate, he can change them.

As Mr. vonFrank has said, this is not our concept of a fruitful partnership. We would like to see the point developed, as it is mentioned at the bottom of page 4 of the prepared statement, the same point which you developed in colloquy with Mr. Quigley a few minutes ago; that is to say, that when the enforcement procedure is begun, and the standards are up for review, that the State and interstate authorities who are part of the conference and hearing board procedures would have the opportunity to have a review on the merits of the nature of these standards and would have the opportunity to see them changed and not be bound by the Secretary's sole judgment.

Senator MUSKIE. The question has some point. Assuming you want all of this activity in the conference to lead to something, and to some result, at some point a decision has to be made and a policy has to be set. Now, is it your suggestion that the policy be set by the State and interstate agencies involved, whether or not they can agree with each other?

Mr. CONNER. No, sir. Our suggestion is that the policy should be set by the hearing board as provided in the present statute.

Senator MUSKIE. I will have to check the present law but, as I recall it, the hearing board is involved in the enforcement proceeding and its function is to determine whether or not to recommend an abatement order. They can reverse the Secretary in that connection, if I am not wrong. But what we are talking about here is something entirely different.

Mr. CONNER. All of the way through the colloquy in the previous session of the Congress and, as I understood it, in the exchange with Mr. Quigley this morning, the question has been raised, "What is the legal effect of these standards at the point where enforcement becomes the order of the day?"

The point that we are trying to make is that, in our view, the conference and the hearing board should have the opportunity to review the standards on the merits and to decide whether to upgrade them, to downgrade them, or to leave them the same.

Senator MUSKIE. I am not prepared to argue this interpretation, whether the colloquy reflects the record. My recollection of it isn't as yours is but those hearings will speak for themselves. But section

8—present section 8, which would become section 10 if S. 4 is enacted—changes the present enforcement section of the law only to the degree that it provides a mechanism or a procedure for establishing the standards of performance which shall be the guide in enforcement proceedings. It doesn't change the nature of the enforcement proceedings. It doesn't change what happens after there is a violation of the standards that are now provided under current law.

So we are talking about two things: We are talking about (1) establishing a procedure for setting these standards in advance; and (2) the enforcement procedure that follows if there is a violation of those standards.

Now, the hearing board has a function with respect to the latter, as I understand it. Now, you are saying that it ought to have a function—or a final determinative function—with respect to the setting of the standards themselves. This is a legitimate recommendation to make from your point of view and so I want you to enlarge upon it and explain it to make it clear, as a matter of record. But it is a different function from what the subcommittee has recommended.

I don't think that you can argue that because the hearing board has a certain function in the enforcement side of this proceeding that it ought to have a similar function in the setting of the standards.

Mr. CONNER. You understand that we are not suggesting at this point that the hearing board ought to be convened at the time the standards are being considered but we are suggesting, at this point, that when the standards come before the hearing board for enforcement, then the hearing board ought to have the prerogative to change them.

Senator MUSKIE. Now you are talking about a "different animal" altogether, at least as I understand what you are saying.

Once an enforcement proceeding is started, of course, the standards and the action of the Secretary are all subject to the kind of test in the judicial or quasi-judicial bodies that are given jurisdiction as they are under present law. There is no question about that. But you have to distinguish between the mechanism for establishing the standards and the procedure for testing those when enforcement begins.

As long as you are making that distinction, then your position is quite clear to me. I won't quarrel with it at the moment. I may later. But your sentence reads this way:

The second possible interpretation is that the standards would be subject to modification by the hearing board as well as by the court.

Now, the standards aren't subject to modification by the court but standards are subject to a test by the court.

Mr. CONNER. To what, sir?

Senator MUSKIE. A test. The court can't rewrite standards, as I understand it. When the court finds a statute unconstitutional, it doesn't rewrite a new one; it throws out the old one. Your language here suggests that the court and the hearing board ought to have the right to write new standards which, thereafter, should be binding upon those who use waters of the stream.

Actually, this is what the law says, or the provision of the law bearing upon the court's functions. Do you have a copy of the committee's report on S. 649? I would like to refer you to the language.

Mr. CONNER. I have the statute in front of me, sir.

Senator MUSKIE. Page 29 of the committee report has the language of the present statute as it would be modified. That language says the following:

The court, giving due consideration to the practicability of complying with such standards as may be applicable, and to the physical and economic feasibility of securing abatement of any pollution approved.

That doesn't give the court the right to modify it.

Mr. CONNER. You haven't finished the sentence.

Senator MUSKIE. " * * * should have jurisdiction," and so on. But there is nothing in this language, and certainly it is not our intent, that the courts should find themselves in the business of writing water quality standards for interstate streams of the country. Its function is to test the practicability of complying with such standards.

Now, that is quite different from saying that the courts shall have the authority to review standards, to change them, or to modify them. That is a different kind of a function, Mr. Conner.

Mr. CONNER. These are the very points that we were hopeful of clarifying in this colloquy, Senator, because it is our judgment that at some point in this matter, either when the standards are prepared, or when the standards are enforced, that the States should have a voice, not simply to make suggestions to the Secretary, but some point in the determination and enforcement of the standards.

Under the existing procedure of conference, hearing, and court order, it is our understanding that these bodies operate in a cooperative fashion with the States represented, to decide what standards and what requirements shall be set on the river. The conference make an initial suggestion, and the hearing board can modify that, and the court may modify that.

But all of the way along, the States have a voice until the thing gets to the court. If I may just conclude this way, the sentence which you read from subsection g says that:

The court, giving due consideration to the practicability and the physical and economic feasibility of securing abatement of any pollution approved, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require.

Senator MUSKIE. Do you read that as investing the court with the power to set water quality standards?

Mr. CONNER. Under the present procedure, Senator, our understanding is that if a standard, for example, of five parts per million of dissolved oxygen were to be set by the conference and hearing board, and the court decided that that was not practicable, they could reduce it to four. They would so do, and then issue an order accordingly.

Mr. VONFRANK. Otherwise, a void would be left, it would appear to me.

Senator MUSKIE. The standards that we are talking about have to do with standards of water quality. Now, the procedure by which they are set under S. 4, and S. 649, as I understand it, is that a conference is called to which are invited appropriate Federal agencies, State agencies, interstate agencies, and industrial users. Now, presumably all parties in interest will do the best they can to protect their interests and to present evidence supporting whatever position they take.

As a result of that conference, there is presented or accumulated for the benefit of the Secretary a body of evidence upon which he has to make judgments as to what standards of use there are, and what requirements for water use ought to be met.

Now, that kind of broad judgmentmaking power is different from the specific detail that you are talking about when you are talking about the amount of oxygen that ought to be required in a given situation. You are talking about criteria implementing the broad standards of water quality use. Now, you are saying that at some point in this setting-of-standards procedure the States ought to be given a greater voice than they are given in S. 4, as it is written.

The only way you could give the States greater voice than they are now given in S. 4 is to give them a veto power on any action taken by the Secretary in setting standards.

Mr. CONNER. I would not agree with that. We think that they would have a greater voice if they had a voice, that is, a vote. It is not a veto power.

Senator MUSKIE. You are saying, then, if there are two States involved, they should vote on whether or not the standards developed are wise or unwise. I don't know how you break a tie in the case of two States. If you have three States, presumably it would be simple, but I don't know what you do in the case of two States.

Mr. CONNER. Our thought would be, sir, that if the Secretary had a vote, and each State had a vote, and one State was being hurt and the other one was hurting, there wouldn't be much question how the vote would come out.

Senator MUSKIE. So the best way for the Secretary to proceed in order to protect the integrity of his vote is to make sure that he is never outnumbered. In other words, you want the decisionmaking power to be left at the State level. The Secretary's vote would be nominal. His vote could never be more than one.

Now, if you are going to give every State involved in a proceeding a vote equal to his, he is always going to be the minority, so you might just as well rule him out and let the States decide this for themselves. Isn't that so? He is always going to be outnumbered?

Mr. CONNER. If that is a matter of concern, one answer to that is the pattern used in Senate bill 21, also under consideration by the Congress, where the States together have one vote, and the Federal agencies together have one vote.

Senator MUSKIE. What do you do in the case of a tie there?

Mr. CONNER. In that case, they refer back to the Congress.

Senator MUSKIE. I would hate to see the Congress involved in these problems of setting water quality standards on the St. Croix River in Minnesota, or the St. Croix River in Maine. We long ago took the tariff-setting powers away from the Congress and delegated them to the executive, because of the sheer enormity of dealing with all of this detail. This could become a back-scratching deal. You don't seriously mean to contend that the Congress ought to be involved in the establishing of these water quality standards?

Mr. CONNER. I am only serious to this extent: that we feel that any bill which gives the single Secretary the power to override the collective judgment of all of the State authorities involved is not helpful to the cleaning up of the waters of the country, and some other formula ought to be used.

Senator MUSKIE. You have a way of stating these things, Mr. Conner, that always prompts a response on my part.

Now, actually what we are talking about is this: Shall there be any Federal authority in interstate streams? You obviously don't believe that there should be any.

Mr. CONNER. This is not so; no, sir.

Senator MUSKIE. You believe that there should be some Federal authority over interstate streams?

Mr. CONNER. Yes.

Senator MUSKIE. Well, now, if that is the case, how meaningful shall that authority be? Shall it be simply that of recommending standards?

Mr. CONNER. This would be our preference.

Senator MUSKIE. Well, this is not authority, so we are right back where I started from. You can't tell me, Mr. Conner, that in a case involving two or more States, as to which the States have been unable to date to agree to water quality standards or have made no effort to agree as to water quality standards, the recommendations of the Secretary are going to have much meaning unless he can back it up in some way with meaningful action if the States then refuse to act.

If you disagree with this, why don't you say so?

Mr. CONNER. We are trying to say it as clearly as we can. Let me point out that Secretary Quigley said a few minutes ago that only one of these procedures so far under the existing statute had had to go to court. In all other cases it has been possible for Federal and State authorities to work out, on the basis of the facts and the technical requirements, a suitable way of cleaning up the stream.

Senator MUSKIE. You are arguing my case.

Mr. CONNER. Either in the hearing board or conference, and without any standard-setting authority on the part of the Secretary.

Senator MUSKIE. Oh, no. Under the present law, the Secretary has more authority than I understand you are willing to give him under S. 4 in the present law. The Secretary can move into these interstate streams under present law whenever he, in his own judgment, believes that there is an endangerment of health and welfare, he can move.

Mr. CONNER. But the safeguard is that the conference and the hearing board have a voice in the enforcement of whatever he decides upon.

Senator MUSKIE. They have exactly the same authority under S. 4 in that connection, but the hearing board has no authority over the standards that the Secretary sets in his mind when he decides to move into a situation because there is an endangerment. There is no review of those standards. He moves when he decides, period.

Mr. CONNER. Yes.

Senator MUSKIE. Well, these standards provided under S. 4 would set the guidelines which would decide when he would move. Thereafter the hearing board and the courts have the same function that they have under present law. Now, this is something different from what you are saying to me——

Mr. CONNER. No.

Senator MUSKIE.—because you are saying that the Secretary shouldn't have as much power to decide to move into a situation as he has now.

Mr. CONNER. Let me try one brief example and then I am going to stop, because I must not take all of your time.

Senator MUSKIE. I am taking your time, I think.

Mr. CONNER. Today, if the Secretary should decide that the Potomac should be a trout stream, and should call a conference with this objective in mind, and the conference was followed by a hearing board, and they decided that while they wanted to upgrade the Potomac, they did not want to try to make it a trout stream, the conference and the hearing board would be able to change the Secretary's determination.

Under S. 4, as we understand it, if the Secretary set the figures to make the Potomac available as a trout stream, the conference and hearing board would not have the power to change that determination. This is the difference.

Senator MUSKIE. The conference and hearing board and the courts don't change the initial determination. They can prevent its implementation. This procedure is exactly the same under present law and under S. 4. What is initially decided by the Secretary as a proper standard for the utilization of the waters is one decision. Whether or not that should be implemented by effective enforcement action is a second decision.

Now, on that second decision, S. 4 would not change present law one iota, as I understand it.

Mr. CONNER. This is the understanding, sir, that we are so anxious be made clear.

Senator MUSKIE. On that we can agree. We need not belabor it. But on the first decision, as to who should set the standards, who establishes the guidelines, by what means we are informed in advance as to the nature of the performance that is to be required in a given interstate water, this is what most of our colloquy has been about.

Now, the hearing board under S. 4 is given no function with respect to that, and neither is the court, any more than it is under present law. Neither is it, for example, under the classification part of the Maine law. When you get to the enforcement proceeding which tests the applicability of implementation or clean-up of the waters in accordance with these standards, that is a separate function.

You, I am sure, know the distinction between the judicial function, the legislative function, and the executive function in our system of government. That is all we are talking about. But you are saying, if I understand what you are saying, that the courts or the judicial branch should participate in the executive function of establishing the standards in the first instance.

If you are saying that, I am not going to quarrel with your right to believe it. But I want to make sure whether you are saying that. If you are saying it, then I wish you would say so definitely. If you are not, then I would like to know what you are saying.

Mr. CONNER. Without belaboring the point, our point at the bottom of page 4 of Mr. vonFrank's statement is that we believe that if the Secretary gets the power under S. 4 to set the standards, then the hearing board and the conference should have the power to review it on the merits and not simply of enforcement mechanically.

Senator MUSKIE. Well, I don't know that it is possible for me to clarify my attitude, but I will just say one thing further with respect

to the last complete sentence on the bottom of page 4, which reads as follows:

A second possible interpretation is that the standards would be subject to modification by the conference or by the hearing board, as well as by the court.

I do not consider that the court is given the function that that sentence suggests is given, either under present law or under S. 4. Now, beyond that, I don't think that either of us can amplify this any further.

I am sorry to have interrupted your statement by this extended colloquy, Mr. vonFrank. Why don't you go on with the rest of it?

Mr. VONFRANK. I am in the middle of page 5.

Senator MUSKIE. On a different subject.

Mr. VONFRANK. On another phase of the same thing.

PREVENTION OF POLLUTION

Recently there has been special emphasis on prevention of pollution before it occurs, and few would disagree with President Johnson's assertion that there should be legal power for such prevention. Viewed in this light, is section 5 of S. 4 a satisfactory approach, or is it needed?

First, most States already have laws with prevention powers, employing various means of requiring prior approval. Second, the Secretary already has authority under sections 2 and 4 of the Water Pollution Control Act to develop comprehensive pollution control programs, for conducting research and studies relating to the prevention of water pollution, and to conduct investigations to find solutions to specific community problems.

Carried on jointly with State or other local authorities, these activities could lead to particular definitions of water quality requirements as standards. Third, the procedure authorized under the present provisions of section 8 of the act can be used to arrive at standards which not only remedy existing pollution but also prohibit future pollution.

Accordingly, we strongly urge elimination of section 5 from S. 4 as being unnecessary and superfluous for accelerated progress in solving the many but highly varied problems of water pollution control, and less likely to achieve the desired objective in a cooperative atmosphere than other available approaches.

FULL PARTNERSHIP APPROACH

We suggest that added Federal influence, in preventing new pollution and also in remedying existing problems, can be made effective most constructively by wider employment of the tool of Federal-State partnership, where both State and Federal viewpoints receive expression. A prototype is already in being; namely, the Delaware River Basin compact. Under this scheme, water resources requirements—including standards of water quality—are assessed and managed in relation to other resources of an entire river basin. This insures orderly planning and coordinated administration, and guards against piecemeal development which might complicate one facet of the basin's problem while solving another. It provides for weighing and

balancing of many interests, all of which only rarely are fully compatible, so that progress will be equitably arranged.

Our association supported the Federal-State partnership approach in water resources planning considered by the 88th Congress, recently reintroduced as S. 21, and at the same time urged that a similar mechanism be encouraged for implementation.

Therefore, we take this opportunity to urge again that such full Federal-State partnership approach be adopted in lieu of that represented by section 5 of S. 4.

SHELLFISH

I turn now to a provision of S. 4 which has received comparatively little attention but which appears to us to be fraught with difficulty. Section 5(c) of the bill would empower the Secretary to call an enforcement conference on his own motion if "he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities."

We agree that pollution should not damage shellfish if it can be prevented by any reasonable measures. However, under section 8 of the act, the Secretary has authority to call an enforcement conference whenever the health and welfare of persons in the State are endangered by discharges of persons in another State. As Senator Muskie pointed out in the floor debate last October 16, "welfare" includes injury to fish life. With the consent of the State authorities, he can also call such a conference in purely intrastate pollution situations.

For this reason, we feel that the "shellfish" amendment to redesignated subsection (d) is not needed. We are particularly concerned that this provision not be adopted because it gets away from the basic conception that the Water Pollution Control Act is founded upon the power of Congress to regulate navigable waters. The proposed provision rests instead upon the concept that whenever products in interstate commerce are damaged by pollution, the Federal authorities may intervene. If this concept were to be extended to products other than shellfish, then we would have to abandon all pretense that the States have a primary role in abating pollution, for pollution of the remotest farmer's pond could be connected with his products moving in interstate commerce.

Senator MUSKIE. May I ask you one or two questions here?

The Federal authorities in the Department of Health, Education, and Welfare have the power now to absolutely prohibit the transportation in interstate commerce of shellfish which in its judgment are harmful to health because of pollution.

Do you think the Federal Government ought to have that authority or should it be repealed?

Mr. VONFRANK. Yes; I think that that authority should be held there. The distinction that we are making here, and trying to highlight—

Senator MUSKIE. May I ask my several questions together, and then you can react? So you agree that the Federal power should be used to prohibit the transportation in interstate commerce of contaminated clams and oysters? These are the particular kinds of shellfish which are subject to pollution—

Mr. VONFRANK. Yes; I would.

Senator MUSKIE (continuing). And which could be injurious to health because of pollution, and you agree that that power should exist as it does now? But you also agree that the exercise of that power can put people out of business?

Mr. VONFRANK. Yes.

Senator MUSKIE. As it has?

Mr. VONFRANK. Yes, sir.

Senator MUSKIE. You feel that the Federal Government should have the power to take a decision which puts people out of business, but that it should have no power to do anything to help them stay in business? Is this your position?

Mr. VONFRANK. I have to answer that with more than a "yes" or "no" answer. There is no question that if a wrong has been committed, recourse should be available. The point in this section of this testimony is related to introducing into water pollution legislation a concept which does not now exist. If you talk about everything that moves in interstate commerce——

Senator MUSKIE. But we are not. We are talking about a situation where the Federal Government now has power over a situation. It has power to put people out of business by enforcing health standards. This only relates to this kind of a situation, and we are not talking about power over all goods moving in interstate commerce. We are talking about a situation where, because of health standards and health requirements, the Federal Government now has power to put a man out of business. This is a limitation, and I think you ought to recognize this in your reply.

Mr. VONFRANK. I am not a lawyer, but I don't see the distinction between, let us say, shellfish and the movement of beef in interstate commerce.

Senator MUSKIE. There are inspection powers on the part of the Federal Government in connection with beef, but this is a different kind of controllable situation. Presumably the man who raises beef has under his control all of the elements dealing with the quality and the purity and the health standards of that beef.

Here you are talking about a situation where the man who digs the clams or harvests the oysters does not have all of the elements which affect the purity of that food under his control. It is a very special situation.

The poor fellow who harvests clams at the mouth of a river is subject to everything that happens on that river, hundreds of miles of it, and thousands of miles away from where he is conducting his business.

He doesn't control it. The Federal Government, because he is a victim of this situation, can put him out of business by prohibiting him from selling this product.

All we are saying in S. 4 is that if the Federal Government has this power, which is so punitive and so final, that it ought to have some authority, and it is not very punitive authority, to help him deal with the situation which gives rise to that punitive action. I think this is limited power.

Mr. vonFRANK. It is limited, and I think therein lies our concern, in that that brings in a specialized aspect here, and it is an entering wedge for a whole area of concern that is not now in what I, at least, take is the legislative concept of this thing.

In layman's language, it seems to me that the existing law and the proposed legislation are adequate to take care of that situation in that his welfare is affected.

Senator MUSKIE. The fact is that it isn't dealing with the situation, and these poor fellows have no remedy. I have been living with this one for some 10 years in my State, as Governor, and before that as a legislator, and these people go out of business, and that is it. They have no remedy. If you can devise one for them under present law, I will refer them to you and suggest that they seek your advice, because they want a remedy.

This legislation was framed because they have no remedy.

Mr. vonFRANK. There is a point of law here that I apparently am lacking in understanding. If their welfare is affected, I don't see why the Federal people cannot act.

Senator MUSKIE. This is what we are proposing.

Mr. CONNER. I think, Mr. vonFrank is bringing out that under the present provisions of section 8, the enforcement section of the act, the Secretary can intervene if a Governor asks him to, or he can intervene on his own motion if the health or welfare people are affected in a State other than the one in which the pollution is taking effect.

Senator MUSKIE. Not on intrastate waters, that isn't so. There the Secretary can act only if the Governor invites him.

Mr. CONNER. It does not apply to intrastate waters. If the shellfish fishermen, and let us say it is a municipality which is causing the pollution, are in the same State, then someone has to make a decision of which is more important, the livelihood of the shellfish fisherman or the expense to the community in taking care of the pollution to the degree which would be required to make those shellfish once more edible.

This is a judgment of the kind in which we feel that the States ought to be consulted, and this should not be the Secretary's prerogative.

Senator MUSKIE. In most instances, it is not a value judgment involving a single community. I suppose it serves your argument to delimit it to that, but we are talking in most instances about a result that is the product of a whole river's performance and not just the effluent from a single community.

You are talking about hundreds of miles of mudflats where clams are harvested, and I don't know how many acres of oysterbeds in a given situation. This kind of harm is done on a widespread basis, not because the effluent from a small single coastal community is involved.

If it were that simple, then I would agree with you. This is a question for that community to decide. Either they install a waste treatment plant or not. If they decide not to install the waste treatment plant, then they have to live in their own mess.

But it isn't that simple. There is involved hundreds of miles of streams, and this result which comes from that situation.

Now, you can say, "All right, leave it to the States," but the States aren't the ones who are in that position. The position the State is likely to take is to quarrel with the Federal Government on the power to prohibit sale in interstate commerce. It is easier to pass the buck on the hard decision to stop the sale than it is to assume such responsibility for cleaning up.

This is why I asked the question of Mr. vonFrank in the beginning, "Do you think the Federal Government ought to have this power?" If it has this power, it seems equitable that the people who feel the weight of this power should be able to turn to the agency which invokes that power for help. That is why this provision is in the bill.

Mr. CONNER. You said to us earlier, sir, that we seem to have scant faith in the State authorities, and that they would not do the right thing under certain circumstances in regard to standards.

I would say that we would feel that the authorities of most States with which we are familiar, confronted with this situation, would take it under advisement and would decide what the best interests of the whole community up and down that river required as to whether that pollution should be abated or whether they should simply get their shellfish otherwise.

Senator MUSKIE. You are espousing a theory, and I am talking about a fact. Well, your position is clear, and there is no point in belaboring that further.

Do you want to go to your next section?

Mr. vonFRANK. I am at the top of page 9 of my prepared statement, Mr. Chairman.

WASTE ASSIMILATION A BENEFICIAL WATER USE

The text proposed for section 10(c) (3) of the act spells out some of the uses which would be considered in establishment of standards. We note the omission of waste assimilation as a legitimate or beneficial use of our streams. Waste assimilation, which means biological decomposition and, therefore, disappearance of organic wastes in water, is not only a national resource of immense proportions, but is technically inevitable. It is included in all professional lists of legitimate or beneficial uses of water. If it is omitted, we feel a disservice would be done to the objective assessment of the problems at hand. By these comments, we do not intend to lay the groundwork for abuse of our streams, or for the abrogation of other equitable uses. Most if not all competent professionals in the field will tell you that waste assimilation in a stream is and can be made perfectly compatible with all other legitimate uses of water under proper control.

What is so inevitable about some dependence on waste assimilation by streams? To illustrate: (1) Fully designed municipal sewage treatment plants remove about 90 percent of the biochemical oxygen demand (BOD). This means 10 percent of the BOD and other constituents are discharged to the stream. (2) Growth projections by the USPHS indicate that if all municipal treatment plants have secondary treatment by 1980 that the residuals reaching streams will be the same as they are today. We cannot reasonably forecast in our lifetime or the lifetime of our children that, collectively, we shall be so technically proficient that any given water use may not involve an incre-

ment of quality degradation—of, if we should become so technically proficient, whether, collectively, we would be prepared or even capable of paying the bill. This is a goal of perfection to be pursued, but with the realistic understanding that it cannot be fully attained. Waste assimilation certainly should remain as a recognized legitimate use of water and be added to any list of recognized beneficial uses such as that for the proposed section 10(c) (3).

Senator MUSKIE. You have come full circle. When this bill was introduced last session, there was an objective in the national policy statement proposed that we make our waters as clean as possible. Now you propose that we substitute for that a policy that we make them as dirty as possible.

The statement of national policy in S. 4 provides that we should enhance our water quality, bearing in mind the legitimate requirements of public use, for industry and for agriculture. It seems to me that in the policy statement we are impliedly recognizing the fact which you belabor here that some waste assimilation is involved.

But to make that as an objective of national water policy, it seems to me, is something else.

Mr. vonFRANK. I couldn't object more strenuously to the sense that you have put on the remarks here.

Senator MUSKIE. I welcome that objection.

Mr. vonFRANK. We are talking about waste assimilation as being a legitimate use of our Nation's waters, its value to the Nation. There is the fact that even you, in prior colloquy, mentioned that you recognize that pristine sparkling crystal waters is not a final goal.

The point and thrust of our testimony here is that in leaving it out as a legitimate use, which, as pointed out, is on all technical lists other than the proceedings of this committee, we are laying the groundwork for its eventual complete elimination.

If you eliminate it as a use, and it is a use, and there is no municipality or industry in this country today that does not feel the full force of that need, then we are not looking at the problem in what we at least consider a truly objective and realistic manner.

Now, we are not talking about abuse of the streams. We are talking about using that historic function of the streams within the confines such that all uses are accommodated, including waste assimilation, and not what might be deduced from the wordage, exclusive of waste assimilation.

Senator MUSKIE. Mr. vonFrank, at the top of page 8 of S. 4 is this language:

In establishing standards designed to enhance the quality of such waters, the Secretary shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.

You are asking that I add to that the language "and waste assimilation."

Now, you know as well as I do that a stream couldn't have a function related to agriculture and industrial uses without recognizing the fact that we have to take into consideration the assimilating qualities of water. That is part of it.

You have been discussing all morning the implications of those refinements of language, and what can be read into them. What in

heaven's name do you think would be read into S. 4 if the Congress were to adopt it including as an objective the assimilation of waste?

The objective ought to be to find ways of dealing with waste other than to force the streams to assimilate it. If there is no way within the limits of technology and economics to find other ways to deal with the waste, then we have to take into account the assimilating qualities of the water. But we don't say as an objective that a certain part of this water quality shall be assigned as a matter of national policy to the assimilation of waste. If we accept waste, it is only because to a certain degree we have to, and not because we want to, or because it is a national policy to do so.

That is why I take issue with you. I don't seriously mean that you believe that our water should be as dirty as possible. I said that in order to highlight the comparison with those—and your organization was one—who objected to making them as clean as possible.

Neither objective, I think, is realistic in the light of what we have done in the last 19 months. But this language would be incorporated into S. 4 over my dead body.

Mr. vonFRANK. I am quite relieved. Communication is a rough thing.

Senator MUSKIE. It is.

Mr. vonFRANK. I don't think that there is anything in your statement that you just made that is not on our mind. In other words, we are talking basically here about what is left when you have done everything reasonably possible, without getting into semantics.

Senator MUSKIE. Will the water take care of itself, then?

Mr. vonFRANK. I don't know. I am not sure. The second thing in passing, of course, and we may want to get on, is the section you read on page 8 is not a policy.

Senator MUSKIE. On page 8 of your statement?

Mr. vonFRANK. No; the section of the bill which you read, paragraph (3) on page 8. That is not a policy. That is a provision of this bill, admittedly to implement policy stated earlier. But this is not a policy. Here what you have directed the people who will implement this program to take account of is that they shall take account of public water supplies and so on, and it may be construed that in the absence of the phrase "waste assimilation," that they are not to consider waste assimilation as a reasonable route. This may be so construed 10 years from now when these proceedings are long forgotten.

Senator MUSKIE. Where do you propose to insert this language? Is that section 10(c)(3)? There is no section 10(c)(3), is there?

Mr. vonFRANK. I may have the wrong reference to it.

Mr. CONNER. It is at the top of page 8 of S. 4.

Senator MUSKIE. I understood Mr. vonFrank to say that was not what he was talking about.

Mr. CONNER. No; he is talking about that.

The point is that when we met here last time, we were talking about a policy section at the beginning of the act, that the water should be as clean as possible. His point is that this is not a replacement for that policy section, and this is a part of the enforcement section of the act, which is directing the Secretary when he establishes standards to take certain things into account.

I think the only point our statement seeks to make is that, realistically speaking, he must take into account the assimilation of waste from our municipalities, and our industries, and our farms, as one of the uses of the stream. That does not mean that he has to emphasize it or tolerate abuse of it, but he must take it into account in fixing standards. That is the only point.

Senator MUSKIE. May I say that I hope you gentlemen will forgive my interruptions. I follow your testimony closely and perhaps I inject myself too often into it. But I find it useful for my thinking, if not for the record, to try to cover these points as they arise, rather than trying to remember them and coming back to them later. I think also it is useful to discuss them at the time they occur in the prepared statement as I believe it keeps them together better. But this means that the other members of the panel are delayed, and so I apologize.

Maybe by the time we get to the other panel members the committee may be worn out and may not ask questions.

We want to make a good record, a complete record, and we want to be sure that whatever your position is that it is stated clearly.

It is not the intent of these discussions to convert you to my point of view at all. I just want to be sure that whatever your position is that it is clear, so that the committee can give intelligent considerations to it.

Mr. CONNER. One of the dismaying things, Senator, is that your interruptions are so often more lucid than our prepared statements, which bothers us.

Senator MUSKIE. I doubt that.

Mr. VONFRANK. I will continue with my statement.

IMPROVED COOPERATION IN ENFORCEMENT

Whatever the future mechanism may be, we believe all would agree that the closest cooperation between Federal and State officials is highly desirable, so that insofar as possible the Federal role will be supportive to the States' fulfilling their primarily responsibilities in this field, as the act provides.

We believe your subcommittee made a major contribution to improved cooperation in the air pollution field when it incorporated in the Clean Air Pact provision for (1) a preconference consultation between the Secretary and State officials, (2) discretion on the part of the Secretary as to whether or not to call a conference, and (3) invited cooperation of any control agencies within the area under consideration in any investigative activity carried out with a conference in prospect.

We urge that the present bill be amended to similarly improve the Water Pollution Control Act by changing the last sentence of the present section 8(c) (1) to the following:

The Secretary may, after consultation with State officials of all affected States, also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) is occurring and is endangering the health and welfare of persons in a State other than that in which the discharge or discharges originate. The Secretary shall invite the cooperation of any municipal, State, or interstate water pollution control agencies having jurisdiction in the affected area on any surveys or studies forming the basis of conference action.

We greatly appreciate this opportunity to express our views on this important legislation and will be pleased to attempt to answer any questions you may have concerning them further.

Senator MUSKIE. The last sentence is almost superfluous.

I think we will go on to our next panel member, Mr. William Adams, president of the St. Regis Paper Co.

Do you have a prepared statement, Mr. Adams?

STATEMENT OF WILLIAM R. ADAMS, PRESIDENT, ST. REGIS PAPER CO., ON BEHALF OF THE PULP, PAPER & PAPERBOARD INSTITUTE (U.S.A.), INC.; ACCOMPANIED BY GEORGE BOYD, COUNSEL, PULP, PAPER & PAPERBOARD INSTITUTE; AND DR. MALCOLM TAYLOR, UNION BAG & PAPER CORP.

Mr. ADAMS. I do have a prepared statement.

First, I would like to introduce my two colleagues. On my far right is George Boyd, counsel for our Pulp, Paper & Paperboard Institute, our overall industrial association, and on my immediate right, Dr. Malcolm Taylor, Union Bag & Paper Corp.

Senator MUSKIE. It is a pleasure to welcome you all.

Mr. ADAMS. I hope you will feel free to interpolate your questions whenever you feel the urge, Senator.

Senator MUSKIE. That might be too often.

Mr. ADAMS. My name is William R. Adams. I am president of the St. Regis Paper Co., whose headquarters are in New York City. I am pleased to appear here today for the Pulp, Paper & Paperboard Institute (U.S.A.) Inc., of which I am a director. This institute is the overall association for the pulp, paper, and paperboard industry in the United States and is broadly representative of the entire domestic industry.

By way of a brief background regarding our industry, sales of pulp, paper, and allied products in 1964 approximately \$17 billion. This represented the products of upwards of 400 companies, operating more than 800 pulp, paper, and board mills located in nearly every State of the Union. A great many of the companies represented by our institute are also heavily involved in the lumber and plywood industry.

Our industry employs over 600,000 people, who earn \$41½ billion annually. The industry's Federal tax bill exceeds one-half billion dollars annually.

We welcome an opportunity to appear today before this distinguished committee to comment on the water quality control bill—S. 4—which would specifically amend the Federal Water Pollution Control Act. Our industry has been conscious of this problem of stream pollution for many years. Witness our actions in establishing the National Council for Stream Improvement in 1943 and the Sulphite Pulp Manufacturers Research League in 1939.

We recognize that there is no magic formula for solving our industry's stream pollution problem. Mills vary from operation to operation and rarely are any two problems alike. This dictates that practically every problem must have its own distinct approach.

In designing a new mill, the following water and effluent considerations are made to determine that the profitability of the capital investment is acceptable:

(a) The supply of water and assimilative capacity of the stream is one of the essential points involved.

(b) Meeting State standards or regulations is a prerequisite to obtaining the State's permission to use the stream.

(c) Technical knowledge and experience indicate the type of in-plant equipment necessary and the amount and type of external waste treatment required.

(d) The cost of waste treatment, equipment, plant, land, and so forth, determines the capital investment to be made. In addition, we calculate the annual operating costs.

However, in improving the waste treatment control situation in an old mill, we can have a vastly different problem. For example:

(a) The overall economic position of the mill may not justify even a very modest capital expenditure to reduce pollution.

(b) The manufacturing process used in the mill may require extremely expensive changes to accomplish acceptable results in pollution abatement.

(c) The annual operating costs of new equipment and waste treatment facilities may be beyond the prevailing product cost limitation.

(d) The physical location of the mill may not permit the acquisition of additional land, at any reasonable price, for effluent treatment.

Today, as professional managers, we must ordinarily justify the expenditure of money for capital improvements on the basis of the rate of return on the dollars invested. However, the cost of waste treatment facilities does not provide any adequate return on investment. Therefore, such expenditures consume capital which would otherwise be available for investment in job-creating facilities. The dilemma confronting the professional manager is summed up like this:

The general public wants both blue water in the streams and adequate employment for the community.

The older plant may not be able to afford the investment in waste-treatment facilities necessary to provide blue water; the only alternative may be to shut the operation down.

But the employees of the plant and the community cannot afford to have the plant shut down. They cannot afford to lose the employment furnished by the operation.

This points up the intricate problems which are confronting our industry as well as others concerning management of water resources in our country. We in our industry must have process water of adequate quality, and we recognize the requirements of those downstream from us to also have suitable water.

To point up the fact that this problem has been vigorously attacked by our industry, I believe the committee would be interested in a brief review of the progress which we have made under the existing pollution control agencies.

The pulp, paper, and paperboard industry has spent a substantial amount on research on the problems involved and has made considerable progress in water conservation and pollution abatement.

The following statistics will illustrate that this has indeed been the case:

During the past 20 years the total organic pollution load, as measured by biochemical oxygen demand, has actually been reduced by

10 percent, despite the fact that the industry's tonnage production has more than doubled in that period of time. As a stable employer, this has resulted in a considerable increase in employment.

A recent survey by the National Council for Stream Improvement, which is our industry association, and has worked on this problem for many years—since 1943, I would say—indicates that as of today 75 percent of the pulp and paper mills in the United States have installed waste treatment facilities, compared with only 37 percent in 1949.

Industry water use per ton of product has been cut in half over the last two decades. To accomplish this, the average gallon of water is reused $2\frac{1}{2}$ times before being discharged to the receiving stream.

I would appreciate it if you would call that to Governor Brown's attention. He suggested that water be used over and over again.

Senator MUSKIE. This figure that you use is national average?

Mr. ADAMS. Yes.

Senator MUSKIE. What is the range?

Mr. ADAMS. I suppose there are many cases where it is only being used once. On the other extreme, there can be usage up to four or five times.

Senator MUSKIE. You mean reuse within the plant itself?

Mr. ADAMS. That is right.

The foregoing data will indicate that our industry, in cooperation with existing enforcement agencies, has met with demonstrated results water management problems as they have arisen.

During the last session of the Congress, our industry presented testimony expressing our conviction that there is now sufficient Federal law relating to water pollution control. At that time we recommended that all programs of the Federal Government, including those dealing with enforcement, be carried on. We recognize that there is an increasing public interest in water quality today, and this bill, S. 4, is a reflection of that interest.

May I make it perfectly clear that we have no objection to strengthening the administration of the Federal Water Pollution Control Act, provided that, as Senator Muskie said during a hearing in 1963 by a special subcommittee of this committee:

Under the present law, it is not the intent of this section of the bill to dispossess the States in this field. It is simply the intent of this section of the bill to give proper emphasis upon the Federal level to the Federal program. * * * For one, I believe that the primary responsibility for this whole problem rests in the States.

With the permission of the committee, we wish to incorporate to this statement a modified copy of S. 4, marked "Exhibit A," which contains proposed changes that we believe more nearly fills the intentions of this act in line with the statement just quoted. Recommended changes are submitted in several sections.

The following comments deal with section 10 of exhibit A regarding enforcement measures. Both the sponsors of S. 4, as well as companies in our industry, recognize that where standards of water quality are not assigned by appropriate authority, then—and in that event—the Secretary of Health, Education, and Welfare should, in accordance with the requirements of the Administrative Procedure Act, prepare suitable regulations developing such standards, or sets

of standards, of water quality as should be applicable to interstate waters or various portions thereof which are susceptible to interstate pollution.

We recommend that subsection (c)(2) of section 10 be amended to provide that the Secretary may consider a revision in water quality standards by calling a hearing, or when petitioned to do so by the Governor of any State subject to or affected by these standards.

In this connection, we believe that it is vital where there is an indication of the desirability for the revision in water quality standards that the Secretary should adhere to the requirements of the Federal Administrative Procedure Act and that the Secretary should consult with the Secretary of the Interior and with other Federal agencies, "with State and interstate water pollution control agencies and with municipalities and industries involved."

It is our belief that the sponsors of S. 4, as well as industry, believe that the Secretary of Health, Education, and Welfare should, in determining the standards of water quality, take into account their use and value for public water supplies, navigational purposes, protection of fish and wildlife, recreational purposes, agricultural, industrial, and all other legitimate uses of water.

As it is implicit in the language of S. 4, it would follow that these standards of water quality should be promulgated by the Secretary only if, within a reasonable interval of time after being requested by the Secretary to do so, appropriate State or interstate agencies have not developed the necessary standards of water quality applicable to interstate waters or the various portions thereof.

Under the present Federal Water Pollution Control Act, it is fair to state that some confusion has arisen concerning the intention of Congress as expressed in subsection (b)(1) of section 2.

Certain Federal agencies consider the phrase, "except that any such storage and water releases shall not be provided as a substitute for adequate treatment for other methods of controlling waste" to preclude provision for low flow augmentation, except where all wastes entering the stream are already receiving treatment equivalent to 85 percent removal of biochemical oxygen demand, and eventually complete removal of solids.

The only practical way to provide for low flow augmentation is at the time of construction of new impoundments. We feel that the neglect of the contributions which such impoundments can make to downstream waste assimilative capacity is improvident under any circumstances.

We submit for your approval and consideration the fact that certain terms are used in the bill which need clarification. The terms we are referring to are "standards of water quality," "pollution," and "interstate pollution." We submit definitions of these terms under section 13 of exhibit A as follows:

Section 13(g): The term "standards of water quality" means the one or more bacteriological, physical, and/or chemical specifications descriptive of the limiting allowable conditions of water consistent with the requirements of paragraph (4) of subsection (c) of section 10 of this act, or of the corresponding requirements of the State, or of the interstate agency having jurisdiction over such interstate waters.

Section 13(h) : The term "pollution" means a condition of the water which endangers the health or welfare of any persons, and which contravenes standards of water quality assigned by appropriate authority.

Section 13(i) : The term "interstate pollution" means pollution of water within one State resulting from action within another State.

In conclusion, everyone recognizes that water pollution is an important problem in the United States today. Our comments in respect to S. 4 represents, I believe, a realistic approach to this very real problem.

It is perhaps not fully recognized how closely the interests of an industry are identified with the interests of the community in which it operates. The solution of any industrial problem, such as a waste disposal problem, is conducive to the growth of the industry. This, in turn, is conducive to the growth of the economy. Both industry and community are motivated alike to solve these problems.

There is one point that it might be appropriate to mention now. The financial burden placed on industry of solving the pollution problem which would greatly benefit all the people could be lessened by favorable tax treatment of the moneys spent for these nonincome producing facilities.

Much recognition has been given to this need in the past, and we urge that this matter be given favorable consideration in the passage of any legislation. As citizens and as an industry, we will continue our water pollution abatement efforts to the fullest extent consistent with the needs of our society and within our economic capabilities.

I wish to express our thanks for the opportunity to appear before this committee and present our views on S. 4 and to propose amendments to this bill which, in our judgment, would improve it substantially.

It is our sincere hope that this committee will give serious consideration to the amendments which we have proposed and in the event that this legislation is reported that the amended bill will incorporate the language of the several amendments which we have submitted.

Thank you very kindly.

Senator MUSKIE. In the next to last paragraph of your statement you refer to the possibility of tax relief which will assist industry in the expenditure of monies for non-income-producing facilities. There has been, as you know, consideration of a program for a fast tax writeoff.

There are those in the industry who feel that is not meaningful relief, because all it does is now enable you to recover the cost more rapidly, and it does not help you really in bearing the cost. I think that is a legitimate criticism of that kind of relief.

I am personally interested, and I think most members of the committee are interested, in exploring other possibilities, if there may be such, to help industry in this difficult problem.

It is difficult, and we recognize it. We also recognize that it is in the public interest to do something about this problem. So we are completely sympathetic with this objective, and we hope we can find an answer that will meet the support of the industry.

That answer would not be in this committee, if it involved taxes, but we would do all we could to be persuasive to the Finance Committee.

Mr. ADAMS. We appreciate the help.

Senator MUSKIE. Your proposed exhibit A is the document I think your people have gone over quite exhaustively with my staff.

Mr. ADAMS. I believe so; yes, sir.

Senator MUSKIE. So at this point I think we will simply incorporate it in the record, rather than go over it paragraph by paragraph and page by page this morning.

Mr. ADAMS. I think it is quite appropriate.

Senator MUSKIE. I think it is appropriate to make it a matter of record that we did not see eye to eye on all of these recommendations, but we are appreciative of getting them, and will give them consideration as far as we are able to.

Mr. ADAMS. Thank you.

(The proposed changes suggested by the Pulp, Paper & Paperboard Institute are as follows:)

(Lightface italic in black brackets signifies deletions to S. 4 proposed by the Pulp, Paper & Paperboard Institute.)

(Line type signifies deletions to existing law proposed by the Pulp, Paper & Paperboard Institute.)

(Boldface italic signifies new language proposed by the Pulp, Paper & Paperboard Institute.)

(Black brackets enclosing roman type signify changes proposed by S. 4)

(Lightface italic signifies additions proposed by S. 4.)

FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED

[33 U.S.C. 466-466k]

AN ACT To provide for water pollution control activities in the Public Health Service of the Department of Health, Education, and Welfare, and for other purposes

DECLARATION OF POLICY

SECTION 1. (a) *The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution.*

[(a)] (b) In connection with the exercise of jurisdiction over the waterways of the Nation and in consequence of the benefits resulting to the public health and welfare by the prevention and control of water pollution, it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical research relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution. [To this end, the Secretary of Health, Education, and Welfare (hereinafter in this Act called the "Secretary") shall administer this Act.] [The Secretary of Health, Education and Welfare (hereinafter in this Act called the "Secretary") shall administer this Act and, with the assistance of an Assistant Secretary of Health, Education, and Welfare designated by him, shall supervise and direct the head of the Water Pollution Control Administration created by section 2 and the administration of all other functions of the Department of Health, Education, and Welfare related to water pollution. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe.] To this end, the Secretary of Health, Education and Welfare (hereinafter in this Act called the "Secretary") shall administer this Act and, with the assistance of the Surgeon General, shall supervise and direct the head of the Institute of Water Supply and Pollution Control created by Section 2, who shall coordinate all functions of the Department of Health, Education and Welfare related to water pollution.

[(b)] (c) Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.

[FEDERAL WATER POLLUTION CONTROL ADMINISTRATION]

[SEC. 2. *Effective ninety days after the date of enactment of this section there is created within the Department of Health, Education, and Welfare a Federal Water Pollution Control Administration (hereinafter in this Act referred to as the "Administration"). The head of the Administration shall be appointed, and his compensation fixed, by the Secretary, and shall, through the Administration, administer sections 3, 4, 10, and 11 of this Act and such other provisions of this Act as the Secretary may prescribe. The head of the Administration may, in addition to regular staff of the Administration, which shall be initially provided from personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions.*]

INSTITUTE OF WATER SUPPLY AND POLLUTION CONTROL

Sec. 2. (a) Effective ninety days after the date of enactment of this section, there is created within the Public Health Service a bureau to be known as the Institute of Water Supply and Pollution Control (hereinafter in this Act referred to as "the Institute").

(b) The head of the Institute shall have had formal engineering or scientific training, as well as substantial experience in the administration of water supply and pollution control activities, and he shall be appointed, and his compensation fixed, by the Secretary, and shall, through the Institute, administer this Act.

COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

[SEC. 2.] *Sec. 3. (a) The Secretary shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution control agencies and interstate agencies, and with the municipalities and industries involved, prepare or develop comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries thereof and improving the sanitary condition of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. For the purpose of this section, the Secretary is authorized to make joint investigations with any such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may adversely affect such waters.*

(b) (1) In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulations of streamflow for the purpose of water quality control except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.

(2) The need for and the value of storage for this purpose shall be determined by the agencies, with the advice of the Secretary, and his views on these matters shall be set forth in any report or presentation to the Congress proposing authorization or construction of any reservoir including such storage.

(3) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of water quality control in a manner which will insure that all project purposes share equitably in the benefits of multiple-purpose construction.

(4) Costs of water quality control features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable.

INTERSTATE COOPERATION AND UNIFORM LAWS

[SEC. 3.] *Sec. 4. (a) The Secretary shall encourage cooperative activities by the States for the prevention and control of water pollution; encourage the enactment of improved and, so far as practicable, uniform State laws relating to*

the prevention and control of water pollution; and encourage compacts between States for the prevention and control of water pollution.

(b) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of water pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the Congress.

RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

[SEC. 4.] *Sec. 5.* (a) The Secretary shall conduct in the Department of Health, Education, and Welfare and encourage, cooperate with, and render assistance to other appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, control, and prevention of water pollution. In carrying out the foregoing, the Secretary is authorized to—

(1) collect and make available, through publications and other appropriate means, the results of and other information as to research, investigations, and demonstrations relating to the prevention and control of water pollution, including appropriate recommendations in connection therewith;

(2) make grants-in-aid to public or private agencies and institutions and to individuals for research or training projects and for demonstrations, and provide for the conduct of research, training, and demonstrations by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

(3) secure, from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a);

(4) establish and maintain research fellowships in the Department of Health, Education, and Welfare with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships:

Provided, That the Secretary shall report annually to the appropriate committees of Congress on his operations under this paragraph; and

(5) provide training in technical matters relating to the causes, prevention, and control of water pollution to personnel of public agencies and other persons with suitable qualifications.

(b) The Secretary may, upon request of any State water pollution control agency, or interstate agency, conduct investigations and research and make surveys concerning any specific problem of water pollution confronting any State, interstate agency, community, municipality, or industrial plant, with a view of recommending a solution of such problem.

(c) The Secretary shall, in cooperation with other Federal, State, and local agencies having related responsibilities, collect and disseminate basic data on chemical, physical, and biological water quality and other information insofar as such data or other information relate to water pollution and the prevention and control thereof.

(d)(1) In carrying out the provisions of this section the Secretary shall develop and demonstrate under varied conditions (including conducting such basic and applied research, studies, and experiments as may be necessary):

(A) Practicable means of treating municipal sewage and other water-borne wastes to remove the maximum possible amounts of physical, chemical, and biological pollutants in order to restore and maintain the maximum amount of the Nation's water at a quality suitable for repeated reuse;

(B) Improved methods and procedures to identify and measure the effects of pollutants on water uses, including those pollutants created by new technological developments; and

(C) Methods and procedures for evaluating the effects on water quality and water uses of augmented streamflows to control water pollution ~~not susceptible to other means of abatement.~~

(2) For the purposes of this subsection there is authorized to be appropriated not more than \$5,000,000 for any fiscal year, and the total sum appropriated for such purposes shall not exceed \$25,000,000.

(e) The Secretary shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the north-eastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention and control of water pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such research might be carried out.

(f) The Secretary shall conduct research and technical development work, and the make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, an evaluation of the water quality needs of those to be served by such waters, an evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving water pollution problems (including additional waste treatment measures) with respect to such waters.

GRANTS FOR RESEARCH AND DEVELOPMENT

Sec. 6. The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes, and for the purpose of reports, plans, and specifications in connection therewith.

Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by an appropriate State water pollution control agency or agencies and by the Secretary; (2) no grant shall be made for any project in an amount exceeding 50 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration of a new or improved method of controlling the discharge into any water of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes.

There are hereby authorized to be appropriated for the fiscal year ending June 30, 1965, and for each of the next three succeeding fiscal years, the sum of \$20,000,000 per fiscal year for the purpose of making grants under this section. Sums so appropriated shall remain available until expended. No grant shall be made for any project in an amount exceeding 5 per centum of the total amount authorized by this section in any one fiscal year

GRANTS FOR WATER POLLUTION CONTROL PROGRAMS

[SEC. 5.] *Sec. 7. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1957, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1961, \$3,000,000, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1968, \$5,000,000, for grants to States and to interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution.*

(b) The portion of the sums appropriated pursuant to subsection (a) for a fiscal year which shall be available for grants to interstate agencies and the portion thereof which shall be available for grants to States shall be specified in the Act appropriating such sums.

(c) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to the several States, in accordance with regulations, on the basis of (1) the population, (2) the extent of the water pollution problem, and (3) the financial need of the respective States.

(d) From each State's allotment under subsection (c) for any fiscal year the Secretary shall pay to such State an amount equal to its Federal share (as determined under subsection (h)) of the cost of carrying out its State plan approved under subsection (f), including the cost of training personnel for State and local water pollution control work and including the cost of administering the State plan.

(e) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to interstate agencies, in accordance with regulations, on such basis as the Secretary finds reasonable and equitable. He shall from time to time pay to each such agency, from its allotment, an amount equal to such portion of the cost carrying out its plan approved under subsection (f) as may be determined in accordance with regulations, including the cost of training personnel for water pollution control work and including the cost of administering the interstate agency's plan. The regulations relating to the portion of the cost of carrying out the interstate agency's plan which shall be borne by the United States shall be designed to place such agencies, so far as practicable, on a basis similar to that of the States.

(f) The Secretary shall approve any plan for the prevention and control of water pollution which is submitted by the State water pollution control agency or, in the case of an interstate agency, by such agency, if such plan—

(1) provides for administration or for the supervision of administration of the plan by the State water pollution control agency or, in the case of a plan submitted by an interstate agency, by such interstate agency;

(2) provides that such agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require to carry out his functions under this Act;

(3) sets forth the plans, policies, and methods to be followed in carrying out the State (or interstate) plan and in its administration;

(4) provides for extension or improvement of the State or interstate program for prevention and control of water pollution;

(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan; and

(6) sets forth the criteria used by the State in determining priority of projects as provided in section [6(b)(4)] 8(b)(4).

The Secretary shall not disapprove any plan without first giving reasonable notice and opportunity for hearing to the State water pollution control agency or interstate agency which has submitted such plan.

(g)(1) Whenever the Secretary, after reasonable notice and opportunity for hearing to a State water pollution control agency or interstate agency finds that—

(A) the plan submitted by such agency and approved under this section has been so changed that it no longer complies with a requirement of subsection (f) of this section; or

(B) in the administration of the plan there is a failure to comply substantially with such a requirement,

the Secretary shall notify such agency that no further payments will be made to the State or to the interstate agency, as the case may be, under this section (or in his discretion that further payments will not be made to the State, or to the interstate agency, for projects under or parts of the plan affected by such failure) until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Secretary shall make no further payments to such State, or to such interstate agency, as the case may be, under this section (or shall limit payments to projects under or parts of the plan in which there is no such failure).

(2) If any State or any interstate agency is dissatisfied with the Secretary's action with respect to it under this subsection, it may appeal to the United States court of appeals for the circuit in which such State (or any of the member States, in the case of an interstate agency) is located. The summons and notice of appeal may be served at any place in the United States. The findings of fact by the Secretary, unless contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action. Such new or modified findings of fact shall likewise be conclusive unless contrary to the weight of the evidence. The court shall have jurisdiction to affirm

the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

(h) (1) The "Federal share" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the Federal share shall in no case be more than $66\frac{2}{3}$ per centum or less than $33\frac{1}{3}$ per centum, and (B) the Federal share for Puerto Rico and the Virgin Islands shall be $66\frac{2}{3}$ per centum.

(2) The "Federal shares" shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation: *Provided*, That the Federal shares promulgated by the Secretary pursuant to section 4 of the Water Pollution Control Act Amendments of 1956, shall be conclusive for the period beginning July 1, 1956, and ending June 30, 1959.

(3) As used in this subsection, the term "United States" means the fifty States and the District of Columbia.

(4) Promulgations made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe a Federal share for Alaska of 50 per centum and, for purposes of such promulgations, Alaska shall not be included as part of the "United States". Promulgations made thereafter but before per capita income data for Alaska for a full three-year period are available for the Department of Commerce shall be based on satisfactory data available therefrom for Alaska for such one full year or, when such data are available for a two-year period, for such two years.

(i) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

(j) The method of computing and paying amounts pursuant to subsection (d) or (e) shall be as follows:

(1) The Secretary shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State (or to each interstate agency in the case of subsection (e)) under the provisions of such subsection for such period, such estimate to be based on such records of the State (or the interstate agency) and information furnished by it, and such other investigation, as the Secretary may find necessary.

(2) The Secretary shall pay to the State (or to the interstate agency), from the allotment available therefor, the amount so estimated by him for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid such State (or such interstate agency) for any prior period under such subsection was greater or less than the amount which should have been paid to such State (or such agency) for such prior period under such subsection. Such payments shall be made through the disbursing facilities of the Treasury Department, in such installments as the Secretary may determine.

GRANTS FOR CONSTRUCTION

[SEC.6.] *Sec. 8.* (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters and for the purpose of reports, plans, and specifications in connection therewith.

(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary and unless such project is included in a comprehensive program developed pursuant to this Act; (2) except as otherwise provided in this clause, no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Secretary, or in an amount exceeding **[\$600,000.] \$1,000,000**, whichever is the smaller: *Provided*, That the grantee agrees to pay the remaining cost: *Provided further*, That, in the case of a project which will serve more than

one municipality (A) the Secretary shall, on such basis as he determines to be reasonable and equitable, allocate to each municipality to be served by such project its share of the estimated reasonable cost of such project, and shall then apply the limitations provided in this clause (2) to each such share as if it were a separate project to determine the maximum amount of any grant which could be made under this section with respect to each such share, and the total of all the amounts so determined or [\$2,400,000,] \$4,000,000, whichever is the smaller, shall be the maximum amount of the grant which may be made under this section on account of such project, and (B) for the purpose of the limitation in the last sentence of subsection (d), the share of each municipality so determined shall be regarded as a grant for the construction of treatment works; (3) no grant shall be made for any project under this section until the applicant has made provision satisfactory to the Secretary for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; (4) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of [section 5] section 7 and has been certified by the State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs; and (5) no grant shall be made under this section for any project in any State in an amount exceeding \$250,000 until a grant has been made thereunder for each project in such State (A) for which an application was filed with the appropriate State water pollution control agency prior to one year after the date of enactment of this clause and (B) which the Secretary determines met the requirements of this section and regulations thereunder as in effect prior to the date of enactment of this clause.

(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) for any fiscal year shall be allotted by the Secretary from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. Sums allotted to a State under the preceding sentence which are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b)(1) of this section and certified as entitled to priority under subsection (b)(4) of this section, shall be reallocated by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made because of lack of funds: *Provided, however,* That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State by reallocation under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second and third sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section. For purposes of this section, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and the continental United States for the three most

recent consecutive years for which satisfactory data are available from the Department of Commerce.

(d) There are hereby authorized to be appropriated for each fiscal year through and including the fiscal year ending June 30, 1961, the sum of \$50,000,000 per fiscal year for the purpose of making grants under this section. There are hereby authorized to be appropriated, for the purpose of making grants under this section, \$80,000,000 for the fiscal year ending June 30, 1962, \$90,000,000 for the fiscal year ending June 30, 1963, \$100,000,000 for the fiscal year ending June 30, 1964, \$100,000,000 for the fiscal year ending June 30, 1965, \$100,000,000 for the fiscal year ending June 30, 1966, and \$100,000,000 for the fiscal year ending June 30, 1967. Sums so appropriated shall remain available until expended: *Provided*, That at least 50 per centum of the funds so appropriated for each fiscal year shall be used for grants for the construction of treatment works servicing municipalities of 125,000 population or under.

(e) The Secretary shall make payments under this section through the disbursing facilities of the Department of the Treasury. Funds so paid shall be used exclusively to meet the cost of construction of the project for which the amount was paid. As used in this section the term "construction" includes preliminary planning to determine the economic and engineering feasibility of treatment works, the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of treatment works; and the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works; and the inspection and supervision of the construction of treatment works.

(f) *Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant by 10 per centum for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term "metropolitan area" means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President or by the Bureau of the Budget as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President or the Bureau of the Budget lends itself as being appropriate for the purposes hereof.*

[(f)](g) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects for which grants are made under this section shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., secs. 276a through 276a-5). *The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 1332-15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276(e)).*

WATER POLLUTION CONTROL ADVISORY BOARD

[SEC. 7.] *Sec. 9. (a) (1) There is hereby established in the Department of Health, Education, and Welfare, a Water Pollution Control Advisory Board, composed of the Secretary or his designee, who shall be chairman, and nine members appointed by the President, none of whom shall be Federal officers or employees. The appointed members, having due regard for the purposes of this Act, shall be selected from among representatives of various State, interstate and local governmental agencies, of public or private interests contributing to, affected by, or concerned with water pollution, and of other*

public and private agencies, organizations, or groups demonstrating an active interest in the field of water pollution prevention and control, as well as other individuals who are expert in this field.

(2) (A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of the members first taking office after June 30, 1956, shall expire as follows: three at the end of one year after such date, three at the end of two years after such date, and three at the end of three years after such date, as designated by the President at the time of appointment and (iii) the term of any member under the preceding provisions shall be extended until the date on which his successor's appointment is effective. None of the members appointed by the President shall be eligible for reappointment within one year after the end of his preceding term but terms commencing prior to the enactment of the Water Pollution Control Act Amendments of 1956 shall not be deemed "preceding terms" for purposes of this sentence.

(B) The members of the Board who are not officers or employees of the United States, while attending conferences or meetings of the Board or while otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding \$50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

(b) The Board shall advise, consult with, and make recommendations to the Secretary on matters of policy relating to the activities and functions of the Secretary under this Act.

(c) Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Department of Health, Education, and Welfare.

ENFORCEMENT MEASURES AGAINST POLLUTION OF INTERSTATE OR NAVIGABLE WATERS

[SEC. 8.] SEC. 10. (a) The pollution of interstate or navigable waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of any persons, shall be subject to abatement as provided in this Act.

(b) Consistent with the policy declaration of this Act, State and interstate action to abate pollution of interstate or navigable waters shall be encouraged and shall not, except as otherwise provided by or pursuant to court order under [subsection (g)] subsection (h), be displaced by Federal enforcement action.

[SEC. 9.] (c) (1) In order to carry out the purposes of this Act, the Secretary may, after reasonable notice and public hearing and in consultation with the Secretary of the Interior and with other Federal agencies, with State and Interstate water pollution control agencies, and with municipalities and industries involved, prepare regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof.

[SEC. 10.] (2) The Secretary shall also call such a public hearing on his own motion or when petitioned to do so by the Governor of any State subject to or affected by the water quality standards set pursuant to this subsection for the purpose of considering a revision in such standards.

(3) Such standards of quality shall be such as to protect the public health or welfare and serve the purposes of this Act. In establishing standards designed to enhance the quality of such waters, the Secretary shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.

(4) The Secretary shall promulgate the standards pursuant to this subsection with respect to any waters only if, within a reasonable time after being requested by the Secretary to do so, the appropriate States and interstate agencies have not developed standards found by the Secretary to be consistent with paragraph (3) of this subsection and applicable to such interstate waters or portions thereof.

[(5) The discharge of matter into such interstate waters, reduces the quality of such waters below the water quality standards promulgated by the Secretary pursuant to paragraph (4) of this subsection or established by the appropriate State or interstate agencies consistent with paragraph (3) of this subsection (whether the matter causing or contributing to such reduction is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters), is subject to abatement in accordance with the provisions of this section.]

(c) (1) In order to carry out the purposes of this Act, in the absence of standards of water quality assigned by appropriate authority, the Secretary may, after reasonable notice and public hearing and in consultation with the Secretary of the Interior and with other Federal agencies, with State and Interstate water pollution control agencies, and with municipalities and industries involved, prepare regulations setting forth standards or sets of standards of water quality to be applicable to interstate waters or to different portions thereof believed by the Secretary to be susceptible to interstate pollution.

(2) The Secretary shall also call such public hearing on his own motion or when petitioned to do so by the Governor of any State subject to or affected by the water quality standards set pursuant to this subsection for the purpose of considering a revision in such standards. In the event that such public hearing indicates the desirability for revision in such standards, the Secretary shall, in consultation with the Secretary of the Interior and with other Federal agencies, with State and Interstate water pollution control agencies, and with municipalities and industries involved, prepare such revised standards of water quality.

(3) Such standards of quality shall be such as to protect the public health and welfare, serve to encourage the prevention of water pollution and furnish the basis for the abatement of interstate pollution. In establishing standards of water quality, the Secretary shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and all other legitimate uses.

(4) The Secretary shall promulgate the standards pursuant to this subsection with respect to any waters only if, within a reasonable time after being requested by the Secretary to do so, the appropriate State or Interstate agency has not developed standards of water quality applicable to such interstate waters or to the different portions thereof.

(5) The discharge of matter into such interstate waters, which results in interstate pollution (whether the matter causing or contributing to such interstate pollution is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters), is subject to abatement in accordance with the provisions of this section.

(6) Nothing in this subsection shall (a) prevent the application of this section to any case to which subsection (a) of this section would otherwise be applicable, or (b) extend Federal jurisdiction over water not otherwise authorized by this Act.

[(c)] (d) (1) Whenever requested by the Governor of any State or a State water pollution control agency, or (with the concurrence of the Governor and of the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the State or States where such discharge or discharges originate and shall call promptly a conference of such agency or agencies and of the State water pollution control agency and interstate agency, if any, of the State or States, if any, which may be adversely affected by such pollution. Whenever requested by the Governor of any State, the Secretary shall, if such request refers to pollution of interstate or navigable waters which is endangering the health or welfare of persons only in the requesting State in which the discharge or discharges (causing or contributing to such pollution) originate, give formal notification thereof to the water pollution control agency and interstate agency, if any, of such State and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution on the legitimate uses of the waters is not of sufficient significance to warrant exercise

of Federal jurisdiction under this section. The Secretary shall also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) and endangering the health or welfare of persons in a State other than that in which the discharge or discharges originate is occurring**[(1); [or he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities.] or he finds that substantial economic injury has resulted from the inability to market shellfish or shellfish products in interstate commerce because the marketing thereof has been prohibited by an order or decree of Federal authorities charged with the enforcement of public health standards on the ground that such shellfish or shellfish products constitute a threat to the health and welfare of any person, and he further finds that such conditions are due to pollution as described in subsection (a).**

(2) The agencies called to attend such conference may bring such persons as they desire to the conference. Not less than three weeks' prior notice of the conference date shall be given to such agencies.

(3) Following this conference, the Secretary shall prepare and forward to all the water pollution control agencies attending the conference a summary of conference discussions including (A) occurrence of pollution of interstate and navigable waters subject to abatement under this Act; (B) adequacy of measures taken toward abatement of the pollution; and (C) nature of delays, if any, being encountered in abating the pollution.

[(d)] (e) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons is being endangered, he shall recommend to the appropriate State water pollution control agency that it take necessary remedial action. The Secretary shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.

[(e)] (f) If, at the conclusion of the period so allowed, such remedial action has not been taken or action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution has not been taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a Hearing Board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of the Hearing Board and at least one member shall be a representative of the Department of Commerce, and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks' prior notice of such hearing shall be given to the State water pollution control agencies and interstate agencies, if any, called to attend the aforesaid hearing and the alleged polluter or polluters. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the Hearing Board finds such pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution. The Secretary shall send such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution, together with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution, and shall also send such findings and recommendations and such notice to the State water pollution control agency and to the interstate agency, if any, of the State or States where such discharge or discharges originate.

[(f)] (g) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

(1) in the case of pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of pollution, and

(2) in the case of pollution of waters which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate, may, with the written consent of the Governor of such State, request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution.

[(g)] (h) The court shall receive in evidence in any such suit a transcript of the proceedings before the Board and a copy of the Board's recommendations and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability of complying with such standards as may be applicable and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.

[(h)] (i) Members of any Hearing Board appointed pursuant to [subsection (e)] subsection (f) who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such Board or otherwise engaged on the work of such Board, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding \$100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

[(i)] (j) As used in this section the term—

(1) "person" includes an individual, corporation, partnership, association, State, municipality, and political subdivision of a State, and

(2) "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

COOPERATION TO CONTROL POLLUTION FROM FEDERAL INSTALLATIONS

[SEC. 9.] *Sec. 11.* It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, insofar as practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and with any State or interstate agency or municipality having jurisdiction over waters into which any matter is discharged from such property, in preventing or controlling the pollution of such waters. In his summary of any conference pursuant to [section 8(c)(3)] section 10(d)(3) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any Federal property. Notice of any hearing pursuant to [section 8(e)] section 10(f) involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property involved and the findings and recommendations of the Hearing Board conducting such hearing shall also include references to any such discharges which are contributing to the pollution found by such Hearing Board.

ADMINISTRATION

[SEC. 10.] *Sec. 12.* (a) The Secretary is authorized to prescribe such regulations as are necessary to carry out his functions under this Act.

(b) The Secretary, with the consent of the head of any other agency of the United States, may utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this Act.

(c) There are hereby authorized to be appropriated to the Department of Health, Education, and Welfare such sums as may be necessary to enable it to carry out its functions under this Act.

(d) *Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.*

(c) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act.

DEFINITIONS

[SEC. 11.] *Sec. 13.* When used in this Act—

(a) The term "State water pollution control agency" means the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

(b) The term "interstate agency" means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

(c) The term "treatment works" means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

(d) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(e) The term "interstate waters" means all rivers, lakes, and other waters that flow across or form a part of State boundaries, including coastal waters.

(f) The term "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

(g) The term "standards of water quality" means the one or more bacteriological, physical and/or chemical specifications descriptive of the limiting allowable conditions of water consistent with the requirements of paragraph (4) of subsection (c) of Section 10 of this Act, or of the corresponding requirements of the State, or of the Interstate agency having jurisdiction over such interstate waters.

(h) The term "pollution" means a condition of the water which endangers the health or welfare of any persons, and which contravenes standards of water quality assigned by appropriate authority.

(i) The term "interstate pollution" means pollution of water within one State resulting from action within another State.

OTHER AUTHORITY NOT AFFECTED

[SEC. 12.] *Sec. 14.* This Act shall not be construed as (1) superseding or limiting the functions, under any other law, of the Surgeon General or of the Public Health Service, or of any other officer or agency of the United States, relating to water pollution, or (2) affecting or impairing the provisions of the Oil Pollution Act, 1924, or sections 13 through 17 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes", approved March 3, 1899, as amended, or (3) affecting or impairing the provisions of any treaty of the United States.

SEPARABILITY

[SEC. 13.] *Sec. 15.* If any provisions of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SHORT TITLE

[SEC. 14.] *Sec. 16.* This Act may be cited as the "Federal Water Pollution Control Act".

Senator MUSKIE. I think, Mr. Clapper, it is about time we heard from you.

Mr. Louis Clapper of the National Wildlife Federation, who will present, I take it, a somewhat different type of presentation.

**STATEMENT OF LOUIS S. CLAPPER, CHIEF OF CONSERVATION
EDUCATION, NATIONAL WILDLIFE FEDERATION**

Mr. CLAPPER. Somewhat, sir; yes.

Thank you.

I am Louis S. Clapper, chief of conservation education for the National Wildlife Federation. The National Wildlife Federation is a private conservation organization which seeks to attain conservation goals through educational means. Our organization has affiliates in 49 States. These affiliates are composed of individuals who, when combined with associate members and other supporters of the National Wildlife Federation, number an estimated 2 million persons.

Mr. Chairman, I appreciate the invitation to appear here today and to express support of the principles expressed in S. 4, the Water Quality Act of 1965. The Wildlife Management Institute has asked to be associated with these remarks, and I feel confident that they will meet the general approval of many other conservation organizations such as the Izaak Walton League of America, the Sport Fishing Institute, and the National Audubon Society. At least some of these groups may submit statements for the record of this hearing.

The prevention and abatement of water pollution has been a primary objective of the National Wildlife Federation since its inception 29 years ago, and this is true of most groups interested in public outdoor recreation. Polluted water holds little attraction for hunters or fishermen or swimmers or water skiers or boaters, or even picnickers and hikers. In the case of our own organization, we have made water pollution control the theme of this year's National Wildlife Week observance—for the second time. We are distributing thousands of kits to schools and other groups, and our honorary national chairman, Mr. Walt Disney, has produced a short film on the subject which we are distributing to all U.S. television stations. Readers of our magazine, *National Wildlife*, which now goes to 165,000 associate members, last year listed water pollution as the principal natural resource problem in the country. I mention these things only to highlight the gravity with which conservationists view this situation.

I might insert here, Mr. Chairman, the fact that we provided each member of the subcommittee with these Wildlife Week kits for your perusal to see the type of literature that we are distributing.

The Conference of State Sanitary Engineers reported that, as of January 1, 1964, there were 5,672 communities serving 35,800,000 people which had no or inadequate sewage treatment facilities. This is a slight reduction in the number of communities from the previous year, but there was no decrease in the number of improperly served people. Nobody, to the best of our knowledge, knows the full extent of pollution from industrial sources, but this phase of the problem probably is at least equally as great as the municipal phase.

In line with this concern, Mr. Chairman, we were heartened at the strong references to water pollution control made by the President in his state of the Union message. We are hopeful that the subcommittee, the full committee, and the Senate can act speedily on S. 4. We believe it is vital to control of the situation.

We are in accord with section 1, which sets out the policy of the Federal Water Pollution Control Act as one of enhancing the quality of water and preventing and controlling pollution.

We favor the establishment of a new Water Pollution Control Administration, outside the Public Health Service, believing this is necessary to give the program the emphasis and direction it merits. We were encouraged in November to learn that the Water Pollution Control Advisory Board had reiterated a previous stand favoring an Administration. In fact, we are hopeful that the whole program can be placed in the new Administration by congressional mandate.

Most certainly, the separation of storm and sanitary sewers would be highly desirable. This, of course, poses a technical problem of great difficulty. We believe demonstration grants, as provided in section 3, are well justified.

Our organization favors section 4, increasing individual and joint project grants. I might add, however, that we also are hopeful that the Congress later will see fit to increase the total construction grants ceiling, possibly to \$200 million annually. We understand the backlog of construction is estimated at \$1.9 billion, not considering demands from pollution growth or obsolescence. Therefore, it is necessary to spend \$700 million annually for the next 6 years to work off the backlog and meet demands. To reach this goal of \$700 million, we believe that grants of \$200 million are needed.

Strong administration of the act is vital to making the standards section, or section 5, work on a proper fashion. Frankly speaking, conservationists have had some unhappy experiences with stream classification. All too often in the past this technique was used to freeze or downgrade water quality. While we understand the establishment of standards does not constitute formal classification, it tends to have this effect. We, therefore, strongly urge the subcommittee to stress its expectation that the standards will be used as a vehicle to upgrade water quality, ideally to prevent water pollution. It should not, and must not, be a means to legalize water pollution, or, you might say, to set a low level of tolerance.

We do not expect a single set of standards or criteria to be applicable nationwide. We recognize a need for watershed-by-watershed evaluation, with the key objective as water quality improvement or enhancement. Standards should be upgraded continually as new techniques are discovered and applied. If the standards provisions are enacted, every effort must be made to insure a vigorous, independent administration.

Our position on enforcement is well known. We would prefer that enforcement action was not necessary. We do, however, advocate strong enforcement actions, even though unpleasant—and sometimes violent—reactions result from those proceeded against. Vigorous, uniform, and impartial enforcement of strong laws is the keystone to successful water pollution control. When the States cannot, or will not, perform this function, then it becomes a necessary function of the Federal Government.

We favor the extension of Federal jurisdiction for enforcement into situations when the Secretary finds that substantial economic injury is resulting from the inability to market shellfish or shellfish products in interstate commerce as a result of the pollution of interstate or navigable waters.

In conclusion, we should like to make a brief observation about the detergent section which was deleted from the previous proposal.

We are heartened by the remarks of the chairman, as inserted in Congressional Record, to the effect that this subcommittee will hold additional hearings on the detergent problem later in this Congress. While the soap and detergent industry apparently has made considerable progress toward developing and marketing degradable products, we think it is important that the subcommittee maintain a continuing interest in this situation.

The same is true with respect to the Federal installations section, which was removed from the previous proposal, and to which you have referred to in colloquy earlier today.

Thank you for the opportunity to making these observations, Mr. Chairman.

Senator MUSKIE. Thank you very much, Mr. Clapper, for this statement.

A lot of the comments I have made in the course of colloquies this morning are responsive to some of the points that you have made. I would like to reemphasize my interest in the detergent problem. I still feel very strongly that even though industry develops a degradable product, legislation to implement it may be useful. In any case we are going to handle it separately and try to do it in depth and thoroughly and move toward a result.

In this case, at least, we are working toward the same objective of all interests involved.

I cannot resist pointing out to Mr. vonFrank and Mr. Adams that you are suspicious of section 5 and the standards section on the other side of the issue. We suggest that maybe the committee has a good middle course to follow.

This standards section offers problems from both points of view, from the point of view of the conservationists, and others who would like to see higher quality more rapidly, and from the point of users of water, who see the technological problems involved.

If it were a simpler device than that, probably it would not be any good, because this problem that we are dealing with is a complex one, and it is not amenable to simple solutions. As long as we recognize that on both sides, and move toward the objective of an enhanced water quality, I think we will make some progress.

Mr. CLAPPER. Mr. Chairman, I understand that the St. Croix hearing was a means whereby these types of procedures can be developed, whereby the Secretary could set in advance standards that would be very useful to both municipalities and industry in the formulation of their own plans for their own plants. This would give them an advance criteria at which to shoot for water quality.

Senator MUSKIE. I know, as you have said in your statement, that you are suspicious of the classification laws which are operated in the States, but I would like to point out what I said to Mr. Quigley when he was on the stand, that at least that approach had the advantage of setting the standard on relatively pure streams so that any pollution thereafter could be controlled. That is, it could not take place without affirmative action of the State agency, which administers the law.

So to that extent which would be applicable to the St. Croix River system, you at least lock in the purity that you would have and control it thereafter. I think that is one advantage of the classification system.

It would be impossible to apply that classification system nationwide in the same way, because of the sheer volume and number of streams and water that you have to deal with. What we are hoping we can stimulate here is a nationwide concern on the part of communities and States, as well as the Federal Government, which will generate a partnership effort to accelerate the movement toward higher water quality.

I must say that I have been heartened in the last 19 months by the evidence of increasing concern on the necessity for effective action, not only on the part of those who have been traditionally concerned, but on the part of industry and the citizenry as a whole.

And effective action means taking due consideration of the problems as well as the objective. I think we all agree to that.

Senator COOPER, I am delighted that you were able to attend this morning. We have before us a panel. We still have Mr. vonFrank of the Manufacturing Chemists Association and Mr. Adams and Mr. Clapper. They have all presented their prepared statements, now, and are available for questions and further comment, if you would like to get into it at all.

Senator COOPER. Has the panel finished its discussion?

Senator MUSKIE. The prepared statements are finished, and now we are ready for the questions from the committee, if you would like to start.

Senator COOPER. Let me ask some questions.

This problem is one of the great tasks facing our country. I think that all of us agree that more effective efforts must be undertaken, requiring more money from the Government and more money from industry, and more from the States. Also, we need a stronger administration.

Last year I opposed this bill, for several reasons. Recognizing the validity of its objectives and the necessity for action, it seemed to me at that time—it may be corrected in these hearings—that it was not very clear as to what would be the total authority of the administrator.

Considering the enormity of the task and the cost, I think it does require the greatest cooperation between the Federal Government and the States and industry.

What concerned me at that time was that it did vest in the Secretary what I considered almost total power, which could diminish the efforts of the States and industry.

I have not had a chance to study carefully the bill which is now before the committee. I did follow the hearings in the House.

But last year I raised these questions in the committee and also in the debate on the floor whether this bill would vest in the Secretary, the new Secretary—but essentially the Secretary of HEW acting through him the authority to fix water quality standards for each water basin or portion of the basin, with little consideration to the views of the States.

I know the conference meetings would be active, and it seemed to me from reading the bill that the Secretary could issue his edict after discussions and notices with the local boards, and that edict in effect would be final. There would be certain methods of review, but it seemed to me that the States actually would have very little to do with it.

I know that some believe that this goal should be the effect of this bill. I would prefer that this bill, when it is finally reported by the committee, give the States greater opportunity to present their views and to take part in this fixing of quality standards. Then after the decisions are made, a proper procedure should be maintained for resort to the courts, where necessary.

These are the views I had, and they were not followed very strongly on the floor of the Senate. But I think Senator Muskie and I understand each other's views, and I am hopeful that in these hearings language can be adopted which will secure a more effective means of pollution control, and in doing so, not make it just an entirely Federal responsibility with the Federal Government having complete control.

Do you have any comments on whether or not you think this bill will have effect on what I have mentioned?

Senator MUSKIE. I might say, Senator, that the bill, S. 4, on this point is in exactly the same form as it was.

Mr. CONNER. Senator, might I respond to the Senator's comment?

Senator, in the course of our discussions earlier this morning, we took up the very points which you and Senator Muskie debated on the Senate floor concerning the enforcement of the standards.

Earlier Senator Boggs asked of Under Secretary Quigley the question whether the Secretary's standards could be changed by the hearing board in the course of the enforcement proceeding.

My notes say, and you can check this against the record, that Mr. Quigley responded that the Secretary's standards would have no standing, then. In other words, that they could be changed by the hearing board in its discretion.

In later discussion, in the course of Mr. vonFrank's testimony, with Senator Muskie, it became plain that he does not agree with this. He feels that these standards are not subject to change by the conference or the hearing board, and therefore I think that division of opinion still obtains.

We would like for the Manufacturing Chemists Association strongly to urge that it be resolved in the deliberations of the committee, and we would like to see it made plain, of course, that the conference and hearing board can change the standards if in their collective judgment they are either too lax or too severe.

Senator MUSKIE. May I refer to the present law again, in order to make another attempt at clarifying at least what it says.

What it ought to say we can debate on ad infinitum. At least one of you has a copy of the Senate committee report on S. 649 last year. If you do, I suggest that you turn to page 27 of that report.

Do you have it?

Mr. CONNER. Yes, sir.

Senator MUSKIE. You will note on this page that the amendments reflecting in this case the changes of S. 4 are italicized, and the solid type is existing law. Now, the last paragraph on the page, subparagraph (c) of the present law, created the mechanism, the procedure for beginning enforcement conferences. That could be done on interstate streams whenever the Secretary felt that there was a pollution situation endangering the health or welfare of any persons, and it is in connection with that procedure that the functions of the hearing board are established.

Those do not change under S. 4. They are just as they were then. There is no change either enhancing that authority or diminishing it. It is exactly the same.

Now, turning again to page 27, above that are the italicized sections which incorporate S. 4's provisions for quality standards. What those italicized provisions provide is this:

The Secretary after reasonable notice and public hearing and in consultation with the Secretary of the Interior and with other Federal agencies, with State and interstate water pollution control agencies, and with municipalities and industries involved, prepare regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof.

Now, this consultation which is referred to in this italicized language is not the enforcement conference which is covered in present law. It is a separate proceeding in advance of any enforcement situation and indeed it may be called with respect to interstate waters which would not conceivably be subject to an enforcement proceeding in the indefinite future.

This is a proceeding called independent of enforcement for the purpose of developing water quality standards.

I want to make the distinction between this consultation, which would come after reasonable notice and public hearing to all of these interested parties which I have listed and the enforcement proceedings. It is an entirely separate and different proceeding from the enforcement conference.

I think it is important to make that difference, because Mr. Conner and Mr. vonFrank have suggested giving the hearing board, in addition to the authority it now has in the enforcement proceeding, authority which is not in the enforcement proceeding, which is separate from the enforcement proceeding.

I will summarize what is in the italicized language on page 27. I am on subsections 3 and 4. This section is the language that we referred to earlier in our colloquy, describing what these standards of quality should do.

After the public hearing:

There should be such as to protect the public health and welfare and to serve the purposes of this act and in establishing standards designed to enhance the quality of such waters the Secretary shall take into consideration their use and value for public water supplies—

and so on, the language that I read earlier.

So these are the guidelines for the standards with which the Secretary must evaluate all of the information, the testimony, the facts that are presented to him by the various agencies and parties concerned in the meeting which he has called.

Somebody at that point, I take it, has to make such a judgment. Now, it could be the Secretary alone, it could be the Secretary after consultation with these other people, or it could be, as suggested by Mr. Conner, by a vote of all these people. And I suppose there are variations that could be suggested.

But at some point, if this water quality standards section is to be anything, somebody has to make a judgment as to what those quality standards are to be.

Then the next point is this: After the Secretary has formed his judgment and has developed water quality standards, he notifies the

State and interstate agencies involved and gives them an opportunity to develop standards of their own if they, in fact, want it and if they are consistent with the objectives of the act.

So, in effect, if they disagree with his standards; if they disagree with the judgment he has formed; if they disagree that the standards he recommends are in accordance with the provisions of the act, then they can take the initiative to establish standards of their own and, in effect, if I may use the language to pinpoint what I am trying to say, to defy him to impose his standards over theirs, if they want a voice.

If it is a way to make their standards competitive with his and to force him to subject his standards to the test of the court.

The language of the bill is very clear, here, that the test of the court will be the practicability of the standards that he proposes so that, if States or interstate agencies disagree with his standards, S. 4 gives them the mechanism for pursuing their own judgment for implementing their own judgment.

The Secretary, if he disagrees with their standards, must take the risk that his standards will meet the court test.

Here is a place for the two levels of government to confront each other, if the States and interstate agencies choose to do so. But if they do not—if they do nothing—then he can promulgate his standards.

That is the nature of the procedures set out. You can disagree with it, of course. That is your prerogative.

The purpose is to give States and communities and industries involved a voice and an opportunity to present facts, arguments and information to support their position.

The procedure is intended to provide that voice. But, also, its intent is to, at some point, give somebody the authority to establish the standards. These are the two objectives. And there is no need to cancel them. This is our point.

Senator Boggs and I—I know—labored long and hard the year before last to make sure that the interests of the States were protected, and to give them adequate opportunity to speak and to act, and I know how vigorous Senator Boggs was in this.

Our objective was similar, but he pressed this particular point and one other provision of the act as of particular concern to him, and he and his staff argued very effectively, I think. They were instrumental in changing the original act until it took its present form.

I do not know, we never measured, Senator, how much of the language was yours, and how much was mine, but I suspect that yours was the lion's share.

I happen to be the chairman of a Subcommittee on Inter-Governmental Relations in another committee and, having served on the local and State levels of government, I am interested that they be affective and dynamic and viable instruments of our democratic process. I do not want to see them weakened.

But on the other hand, when we finally reach a situation, with respect to a recognized national problem where we need to inject the Federal presence to a greater degree than it has existed before, in order to assure that the national answer to that problem is truly developed, then it seems to me that we have to be willing to act, always recognizing the need for preserving the integrity of the whole Federal system.

I emphasize that philosophic point a little, because I am not one who believes that you can shove every problem into the lap of the Federal Government. I do not think it would be wise to. I do not believe it; not for a minute.

And I will drag my feet, maybe not quite as much as some of you gentlemen would, to try to find answers to it and to avoid Federal domination of a problem area.

Here, I think, we have come up with a formula. It is not a perfect one. I am sure it is subject to improvement. But the problem has been subjected to a great deal of thought and work, not only by Senator Boggs and his staff, and mine, but by consultations with industry and consultations with conservationists.

I cannot recall a piece of legislation in my personal experience in the Senate, which is not long, that has had a more thorough going over in that way than this one has. And I say that not to convert anyone at this point but, simply, to make it clear that this is the kind of attention that was given this kind of concern.

It is the kind of attention that we will continue to give to it, until we finally come up with something that will work in terms of our objective.

Senator, I did not mean to interrupt you with so long a dissertation—

Senator COOPER. I was enjoying it, Senator.

Senator MUSKIE (continuing). But you had not been here earlier this morning.

Senator COOPER. May I ask a question, at this point?

Senator MUSKIE. Yes, indeed.

Senator COOPER. I think we disagreed last year on this proposition. As I understand it, if this bill should be passed and this provision adopted, it would enable the Secretary—after consultation with the States and industry and other agencies and, I want to say, that you provide for consultation in the bill—to issue quality standards for each water basin or portion of a water basin. Then the bill provides that a nuisance would occur when any discharge of a community or industry reduces the standards of the water quality.

For example, it says “discharge of matter,” on page 27, section 8, subsection (b) (5):

The discharge of matter into such interstate waters, which reduces the quality of such water below the water quality standards promulgated by the Secretary * * * is subject to abatement * * *

In other words, he can determine it to be a nuisance.

Am I correct in saying, according to the provisions of this bill, that you would then follow the regular procedure of enforcement and call a conference? There would be a discussion at the conference. But then my question is: Is it correct that the only matter or subject that the conference would consider is whether or not the nuisance constituted a reduction or the lowering of the water quality standards and the conference could not go into the whole subject of the feasibility at that time?

Do you consider that the discussion would not be limited in this particular case merely to the question of violation of the water quality standards?

Senator MUSKIE. First, let me make sure I understand the question, Senator.

The question is, if I may paraphrase it in terms of my understanding of it, whether or not, in the enforcement conference, the only issue would be whether the quality standards established by the Secretary have been breached?

Senator COOPER. That is right.

Senator MUSKIE. It is not my impression that that would be the only issue. It is my impression that also at issue would be the question of whether or not there was an endangerment of health or welfare, so that the evaluation of the standards by the conference would have to take into consideration those standards in the light of the broader question.

That is my understanding of it.

Senator COOPER. I am glad to have your views.

Now, the next step, as I understand it, under the existing act, would be that if it was abated, that the Secretary would then appoint a hearing board.

Senator MUSKIE. Yes.

Senator COOPER. Then the hearing board would consider the same subject.

Now, at that point, would you consider that the hearing board would be limited to a decision on the question of whether or not the discharge lowered the quality standards, or would its scope be larger so as to determine whether or not such a discharge was not of the magnitude to affect health or the other factors that the amended bill would prescribe as criteria?

Senator MUSKIE. First of all, Senator, in reply to that question, let me refer you to subsection (a) of section 8, which reads as follows, and this is the first subsection in the enforcement section of the bill:

The pollution of interstate or navigable waters in or adjacent to any State or States * * * which endangers the health or welfare of any persons, shall be subject to abatement as provided in this act.

That language would not be modified by S. 4.

Now I will refer to the function of the hearing board, which is on page 29 of the committee report.

On the basis of the evidence presented at such hearing, the hearing board shall make findings as to whether pollution referred to in subsection (a)—that is the subsection I have just read—

is occurring and whether effective progress toward abatement thereof is being made.

Then I will refer you also to on page 29 to present subsection (g), which would be subsection (h), if it were amended.

Senator COOPER. Do I understand from your answer that you believe that the hearing board would not be limited to the sole issue of whether or not a particular discharge lowered certain quality standards which the Secretary had promulgated?

Senator MUSKIE. Indeed not. What I have said, and I use the language of the law as the best evidence of it, is that the jurisdiction of the hearing board is established broadly by subsection (a), which is the first section of the present law.

Senator COOPER. You are coming to the next step in the procedure. In the event no settlement could be made if the use is not abated—then the matter should go to the court.

I think the language referring to the court is rather clear. I interpret this provision that the court could in its determination give consideration to the practicability of the quality standard itself, and to the physical and economic feasibility of securing abatement under that standard.

I think the language intends that but I would like your view.

My point in asking these questions is to determine recognizing that there are some difficulties in fixing water standards for a water basin or a portion of it, whether after the Secretary does fix the standards, there is any possibility of changing them.

You have already answered this question with relation to the conference and hearing board, but does the court have jurisdiction to inquire into matters, respecting the feasibility of the water quality standard itself?

Senator MUSKIE. Yes, indeed, I would say so.

Senator COOPER. I want to tell you that is very helpful.

Senator MUSKIE. Let me say this, in addition: You see, the present law states that the Secretary should act for the Federal Government whenever there is pollution "which endangers the health and welfare of any persons."

Now, with respect to streams now contaminated we are talking ex post facto situations. Under S. 4 our objective would be to improve water quality to the point where the health and welfare of persons are more broadly and more effectively served.

With respect to uncontaminated streams, our objective is to preserve insofar as we can the current quality of those streams, in the light of all use requirements that can be anticipated legitimately in the public interest.

We have the two points to consider.

Now, with respect to the latter group of streams, the present law gives the Secretary no authority. He has to wait until the horse has been stolen before he can act. And I think this is the sort of thing that the President was talking about when he said we have to do something to prevent the contamination of our streams.

We have these two different kinds of situations with which to deal.

Now, with respect to the first, that is, cleaning up contaminated streams, the objective of standards would be to establish in advance standards of performance which will be useful to all parties concerned, to users who understandably are concerned about the economic impact, about the performance standard that may be established, the community, the industrial development agencies of those communities as they contemplate bringing in new industries, and the load which they may impose upon the stream.

In other words, this is a way of giving everybody involved an opportunity to establish an objective and effective guideline for further utilization of that stream, and to control those contaminants or those pollutants which may be controlled.

Now, with respect to uncontaminated streams, here is an opportunity to provide preventive medicine. We do not have any preventive medicine established in our Federal law, and we think there should be. We think that it will avoid the necessity for enforcement procedure. We think it will avoid heavy economic burden of industry. It will avoid economic costs to the community and to the areas and to the States that are involved.

But we intend to do this with full protection of the legitimate interests of all concerned. We are not interested in pulling any surprises.

When we are talking about a standard for measuring what the Government policy should be, we are talking about individuals and groups of individuals; we are talking about endangerment. And that is what concerns us, endangerment of their interests.

That is going to be the prevailing interest in all of these proceedings—examination of standards, consideration of enforcement issues in the second place by the conference, and then by the hearing board, and then by the courts—and I think that is as it should be.

I am glad you have asked these questions, Senator.

Senator COOPER. It is your opinion that the court would have the authority and jurisdiction to inquire into the feasibility and practicability of the water quality standard itself in a particular case?

Senator MUSKIE. Thank you.

Senator COOPER. I have one other question, because I raised this in our discussion last year.

Turning to page 27 in the amended section 10, which describes the procedures for the establishment of water quality standard, I quote paragraph 3:

Such standards of quality shall be such as to protect the public health and welfare and serve the purposes of this Act. In establishing standards designed to enhance the quality of such waters, the Secretary shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.

I might say at this point that I understand one of the chief purposes of this act, and one which I support is that the act will not only provide for the abatement of uses, but will set up standards for usage.

Do you consider under this section that the Secretary, using his authority to prevent the development of usages, could establish a water quality standard for a water basin or a portion of that water basin which would in effect prohibit the location of industry in that area?

In other words, can he say that this stream in his judgment is best suited for recreational purposes, or for agricultural purposes? I did raise the question in our debate a year ago, as to whether or not this bill would give the Secretary authority, whether he uses it or not, to zone streams or a portion of streams and say that this stream is fitted for agriculture, this stream is suited for recreation, or this stream is suited for industry.

If that is correct, it seems to me that it would be a great power to give one man the authority to determine what section of the country is best suited for industry, agriculture, or recreation.

Senator MUSKIE. I think that any intelligent evaluation of water uses in a specific area must give consideration to the availability of water.

Now, in my State, I would think that in many, many instances areas in which industries could locate involve streams on which industrial use ought to be prohibited, because there are other waters that are more suitable, or as suitable, that can be used.

In other words, I do not think it is necessary for every waterway to be available for industrial use, any more than that every waterway ought to be available for fishing. So that if, in effect, by our public policy we have prohibited fishing in some streams by killing fish off, and in other respects, we ought to prohibit industry from locating on other streams.

In the river basin studies that are contemplated, and which are underway under the Department's program currently, as Secretary Quigley testified earlier this morning, it is our purpose and our intent, and it is the present intent of the Department, to evaluate all of these river basins to learn these questions: What are the available supplies in given areas? What is their nature? What is their quantity? What are the predictable uses to which they are to be put?

The net result of all of this factfinding would be at some point somebody ought to make a judgment which says it is permissible to use this stream for industry, and not to use this one.

At the present time, in too many cases throughout the country nobody gets worried about this until somebody has to use the water. The user has made the judgment all alone, with the veto power over everybody else in society. That user has made that judgment.

And it is our view that that judgment ought to be made by some agency more representative of the broad public interest.

The States have done it in some respects. Some have done a good job, some have done a poor job. Some have done a better job in some areas. Most have done a good job where there is no industry yet.

As Mr. Adams pointed out, that is the hardest judgment to make. That is why we think it is better to make some of these judgments in advance.

And so, in answer to your question, it is conceivable that the policy-maker, whether he be the Secretary of Health, Education, and Welfare or the administrator of the local State water pollution control agency, could decide that certain waters are to be excluded to industry, that others ought to be excluded to fishing, that others ought to be excluded to recreation.

Yes, somebody has to make those judgments. In this case we say that the Secretary ought to have that kind of authority with respect to interstate streams, when, after following all the procedures safeguarding State and other interests, it reaches that point.

And it will mean in some instances certain industries would be excluded.

I would think that that would be implicit in this whole business. I am happy to make it explicit.

Senator COOPER. I would say you are giving more power to one man than any man has in the country today.

Senator MUSKIE. No, Senator. I would say that the pulp and paper industries have had that power in my State. They never bothered to consult anybody else. Now, it is your choice, apparently, that those people who want to use these streams for this purpose should have the determining, final decision making power.

Senator COOPER. Not at all. I do not say that.

Senator MUSKIE. I am just making comparisons. You say this would give the Secretary all the power that has never been held by anybody else, and I say that is wrong.

Senator COOPER. I agree with you that no industry or community or single individual or business should have the power and authority to make a nuisance of the stream.

Senator MUSKIE. Well, who should?

Senator COOPER. But I am wondering if there is not some ground upon which every interest could be taken into consideration, and not authorizing one man, to determine whether an area is to be set aside for recreation. That is what is worrying me about the bill.

Senator MUSKIE. This is not left to one man. I would be happy to have your suggestion as to who specifically should make that decision with respect to interstate waters, so that I can counter it.

It is easy to argue that, "Yes, this gives a lot of power to the Secretary," but to whom would you give it?

Senator COOPER. I want to be assured that the procedure of the administrator for review gives protection to all elements involved, with the purpose of not only giving more effective enforcement against usages, but also of setting up standards for preventing usage.

My whole interest is that there shall be procedures and review by the courts which will give weight to these objectives of the bill—which I think are proper—but still protect everybody that has an interest. At least their voices can be heard.

Senator MUSKIE. There are such provisions in the bill, Senator.

Senator COOPER. You have given me, I will say, quite a bit of assurance.

Senator MUSKIE. I might point out that tyranny exists only where there is no appeal. I would think if I were the Secretary of HEW, and I were considering implementing the standards section, which would be a new kind of authority, I would look at that section giving the courts power to review that very carefully before I established any arbitrary standards.

When the Congress says to the Secretary that his standard has to be practicable, and he knows that that will be the test that will be ultimately applied, and he knows there are industries with financial resources to press this in the courts, some of which are represented here today, he knows that he has to meet that test, he cannot be arbitrary, and that he has to be practicable.

This is wholly in accordance, it seems to me, Senator, with the traditional American formula for protecting the public interest while safeguarding the reasonable and legitimate interests of individual citizens.

On that point you and I are in complete agreement. I think we depart only because we do not look at this particular implication of this concept from the same point of view, and I think that your contribution to this whole debate on the floor last year and the committee last year, and here today, is fully useful.

I would want this legislation to meet the test of that kind of inquiry, and that kind of probing. It has to be solid legislation. I would not want it to be otherwise.

Senator COOPER. I know this discussion has been helpful. I want very much to support the bill. And I hope that the language of the

bill, and the findings of the committee, and the report of the committee, will clear up some of these issues that we talked about a year ago. I would like to have assurance that these interests, I am not speaking of industry alone, of small communities, agriculture, recreation, and industry, will be protected in the sense that they have a right to have their day in court, in case the water quality standards promulgated are not fair and equitable.

And I think that is what we want to do.

Senator MUSKIE. You may want to look at the record for this morning, because I inserted in it some suggested language that was offered by representatives of the steel industry to me last week. It would be a modification of the language at the top of page 8 of S. 4, and it will constitute further refinement of the definition standards which you might find interesting.

Senator COOPER. I thank you.

Senator MUSKIE. Is there anything further that you would like to comment on?

While Senator Cooper and I have been belaboring each other, you have had a rest.

Mr. CONNER. We are advised on higher authority, taken from the Bible, "Come, let us reason together." I think we have done it very well.

Senator MUSKIE. It has been a pleasure to have you this morning. I appreciate this full and free exchange.

It is our privilege to have with us today Governor Brown of California.

Senator BOGGS. It is good to see you, Governor.

Senator MUSKIE. Welcome.

STATEMENT OF HON. EDMUND G. BROWN, GOVERNOR OF THE STATE OF CALIFORNIA

Governor BROWN. Thank you very much.

Senator Muskie and Senator Boggs, I recognize two former members of the Governors' Union here before me today.

Senator MUSKIE. As I recall it, that was a pretty relaxing and easy job.

Governor BROWN. Well, there are not many Governors that would not trade you even, right now, I will tell you that. And I might say that both of you had the opportunity to stay longer, and you both moved in a different direction, I would not say upward.

I appreciate the opportunity to appear before your committee, and I want to congratulate you for moving so quickly to solve a major national problem. I want to emphasize my personal interest in this important subject, as far as California is concerned.

The protection and preservation of the Nation's water resources is of concern to every American. It is a matter of life and death to the people and economy of my own State. Although recent weather reports from California might lead you to believe that we have an overabundance of this resource, the most heavily populated regions of our State are semiarid. Consequently, water is so valuable that we cannot afford to waste or mismanage this essential resource. With our population increasing at the rate of 1,500 a day, or about 600,000 a

year, the need for high quality water is becoming greater as each day passes.

It is the policy of my administration to use all available means to upgrade the quality of our water, not merely to maintain it at present standards. We are working constantly to protect and enhance the esthetic value as well as the usability of our waters. Water pollution control has been a major item in the State program and budget for the past 15 years. We are concerned, not only with the effects of sewage and industrial wastes, but also with all other factors which affect water quality.

Public support of the water pollution control program in California is demonstrated by the fact that our communities and industries have expended approximately \$1 billion since 1950 on construction of waste treatment and disposal facilities. We are justifiably proud that, of a total population of over 14 million in communities with sewer systems, less than 17,000 now live in communities without sewage treatment plants.

As you know, I am a strong advocate of Federal water pollution control legislation. I supported S. 649 as passed by the Senate last year, and I endorse the bill now before your committee.

There are two major provisions in S. 4 upon which I will comment briefly. Then, with your permission, I would like to offer a suggestion or two for further strengthening the water pollution control program.

This bill, as did S. 649, provides for the creation of a Federal Water Pollution Control Administration which would become responsible for several of the water pollution control functions now administered by the Public Health Service. I recognize the need for strengthening the Federal program in this regard, and I strongly support the proposed legislation as a well-considered step in that direction.

S. 4 would also amend the enforcement provisions of the Federal Water Pollution Control Act by authorizing the Secretary of Health, Education, and Welfare to promulgate standards of water quality on interstate waters, and to enforce such standards. As defined in the act, "interstate waters" would include all streams that discharge into coastal waters. In California this would cover just about every stream in the State, even though almost all of these streams are what we consider to be "intrastate waters," in that they do not flow from our State into a neighboring State.

We are in complete agreement with the concept that Federal authorities should intervene when an upstream State is damaging the waters in a downstream State, and is taking no steps to prevent the damage. We also appreciate the opportunity afforded by the present legislation for a State to ask for Federal assistance in enforcing water pollution control on intrastate waters. However, the State of California does not believe that the Federal Government should have the authority to promulgate and enforce water quality standards on intrastate streams, unless the State is unable to enforce water pollution control measures and has requested such intervention under existing law.

Now, as it relates to further strengthening the Nation's efforts to preserve and protect our water resources, I would like to offer two suggestions.

Senator MUSKIE. Governor, before we get to that, because I know you are in a hurry to get away afterward, it is not my interpretation

of S. 4 that if streams do not cross State boundaries, but empty into coastal waters, that that fact makes them interstate streams.

Now, I have not had the advance before, and we wanted to check out the language of S. 4, but it has been our belief that a stream would have to cross a State boundary to be called interstate.

Governor BROWN. Even though it empties into coastal waters?

Senator MUSKIE. Yes. But we will clarify the point, because of what you said.

Governor BROWN. Even if it does, there are occasions we would like to have Federal assistance in these matters, but we would like the State to have some sort of traffic control of a Federal agency moving into a purely intrastate stream.

Senator MUSKIE. I would agree with that.

And as the law now exists, the Governor can invite a Federal authority to come in.

Governor BROWN. If we get a clarification on that, I would appreciate it.

An essential ingredient of all programs is funding. I note that S. 4 does not provide for increased appropriations except for the proposed new grant program aimed at solving problems associated with overflows from combined sewers. I urge further consideration of expanding the existing grant programs. To achieve the goal of "clean waters" will require an expanded effort on all fronts, and this must begin with adequate funding. Construction of treatment works received needed impetus from Federal construction grants, but testimony before your committee last year showed that even with this increased effort, pollution abatement was not proceeding at the rate required to do the job. Construction of works must be accelerated. This means that the communities throughout the country will be expected to expend more funds for this activity, and, therefore, I suggest it is essential that appropriations for the Federal construction grant program be increased correspondingly.

To carry out and support an accelerated program will require additional effort in other fields. For example, we need stronger State control programs, more technically trained personnel, and an expanded research program to cope with the ever-growing complexity of water quality problems. The States must do their part, but I urge that the Congress provide the incentives by increasing grants for State programs, training, and research.

We are now involved in a cooperative effort involving local, State, and Federal interests. The brunt of the financial burden is being borne at the local level. The load is constantly increasing. In summary, I believe it is reasonable to expect the Federal Government to step up its financial support concurrently with what the States are doing throughout the land.

I should like to conclude my remarks by calling to your attention a situation not directly involved with S. 4. This concerns waste water reclamation. We have metropolitan areas of our State which are supplied with water that has to be transported 100 or more miles. In the near future, we will be delivering waters through the State water project over an even greater distance. It grieves me to see these valuable waters used but once, and then wasted to the sea. We need systems which would permit one or more cycles of reuse.

The Public Health Service has taken a small but important step in this direction. The Service, in cooperation with State or local interests, now has underway in California four field research projects for waste water reclamation. We appreciate and commend the Service for this assistance. I say, though, the time has come when these activities should be consolidated and expanded into a full-fledged regional water pollution control research laboratory, as authorized by the existing Federal act. Such a facility should have as its major function research related to waste water reclamation.

We have the problem, we have the interest, we have the talent to provide cooperation and support, and most important of all, we have a full spectrum of situations where field scale investigations could be undertaken.

In closing let me say that I am confident that all of us working together—local authorities, State, and Federal Government, and private industry—can prevent the waste and despoilment of our most valuable natural resource.

Senator MUSKIE. Thank you very much, Governor.

I am sure that we will be giving consideration to the enlargement of the Federal Government's role in supporting sewage treatment plants.

We do not as yet have the President's message in this field, and do not know as yet what he will recommend. I would not be surprised if he touched upon that problem and, of course, we would be receptive to any recommendations that he makes.

The rising cost of doing these things, and the rapidly increasing capacity of local agencies to deal with it runs ahead of the statutory limitations in both respects, as you know they have a way of doing.

Since I have been here in the Senate, 6 years, the limits have grown in both respects, and I am sure they will continue to grow.

In a sense, S. 4 is quite up to date on those points, and we may be giving consideration to modifications.

Governor BROWN. Thank you very much for this opportunity to testify before you.

Senator Boggs. I have no questions.

Thank you very much, Governor.

Senator MUSKIE. Thank you.

I think we have one more witness, who is not on the schedule, but who would like to present a brief statement. If he is here and would like to do it, I guess we ought to take the time to hear him.

He is James Wright, executive director of the Delaware River Basin.

STATEMENT OF JAMES F. WRIGHT, EXECUTIVE DIRECTOR, DELAWARE RIVER BASIN COMMISSION

Mr. WRIGHT. Thank you very much, gentlemen.

Senator MUSKIE. Proceed, Mr. Wright.

Mr. WRIGHT. Thank you, sir.

The Delaware River Basin Commission has asked me to express its gratitude to the committee for the opportunity to express its concern over a provision of Senate bill 4, and to request an amendment that would eliminate the problem.

In the interest of brevity, and because it has been a long hearing, I will not read my entire statement, but I will refer specifically to the amendment and outline the four points which I feel support our position.

Senator BOGGS. Mr. Chairman, I ask permission that his full statement go into the record at its conclusion of his summary.

Senator MUSKIE. Without objection.

Mr. WRIGHT. Specifically, we respectfully propose that the legislation be amended so as to conform to the joint resolution of Congress approved September 27, 1961, re Delaware River Basin Compact, 75 Stat. 688.

By that joint resolution, Congress directed that certain Federal interests in the water resources of the Delaware, including pollution control, be expressed through a commission especially created for that purpose. We believe that the following addition to section 5(b)(6) will satisfactorily conform the legislation now before you, S. 4, to the joint resolution of 1961:

, or (c) authorize the Secretary to promulgate standards applicable within a river basin which is under the jurisdiction of a Federal-interstate agency created by a compact to which the United States is a signatory party and vested with the authority to set and enforce water quality standards for such basin.

I would like to make four points in support of this position. First, the Commission already has full authority to set and enforce interstate stream standards in our basin to accomplish the same purposes as those envisioned in S. 4.

2. The establishment and use of water quality standards should be the job of the same agency having responsibility for planning all aspects of pollution control throughout the basin. The various parts of the job should not be "administratively scattered" among different agencies.

3. If it is to succeed in establishing and maintaining a comprehensive planning, development, and management program for the four-State Delaware Basin, the Commission must be free to integrate its water quality activities with its work on other resource purposes, such as water supply, flood control, recreation, and fish and wildlife enhancement.

4. The interest and jurisdiction of the Federal Government with regard to water pollution control in the Delaware Basin already have been firmly established by the Congress through enactment of the Federal-Interstate Delaware River Basin Compact, Public Law 87-328.

We feel there is a potentially contradictory situation in one Federal agency being vested with the power to upset a judgment developed by another agency in which a Federal commissioner participates.

Thank you.

(The complete statement of Mr. Wright is as follows:)

STATEMENT BY JAMES F. WRIGHT, EXECUTIVE DIRECTOR, DELAWARE RIVER
BASIN COMMISSION

The Delaware River Basin Commission wishes to express its gratitude to the committee for this opportunity to express its concern over a provision of Senate bill 4 and to request an amendment that would eliminate the problem.

The subject of our reservation is the provision contained in section 5 of the bill that would empower the Secretary of Health, Education, and Welfare to set and enforce standards to control and abate pollution in interstate waters.

Specifically, the Commission respectfully proposes that the legislation be amended so as to conform to the joint resolution of Congress approved September 27, 1961 (re Delaware River Basin Compact; 75 Stat. 688). By that joint resolution Congress directed that certain Federal interests in the water resources of the Delaware, including pollution control, be expressed through a commission especially created for that purpose. We believe that the following addition to section 5(b) (6) will satisfactorily conform the legislation now before you (S. 4) to the joint resolution of 1961:

“, or (c) authorize the Secretary to promulgate standards applicable within a river basin which is under the jurisdiction of a Federal-interstate agency created by a compact to which the United States is a signatory party and vested with the authority to set and enforce water quality standards for such basin.”

The Commission, which is the multipurpose river agency established under the Federal-Interstate Delaware River Basin Compact, would like to make four points in support of its request:

1. The Commission already has full authority to set and enforce interstate stream standards in our basin to accomplish the same purposes as those envisioned in S. 4.

2. The establishment and use of water quality standards should be the job of the same agency having responsibility for planning all aspects of pollution control throughout the basin. The various parts of the job should not be “administratively scattered” among different agencies.

3. If it is to succeed in establishing and maintaining a comprehensive planning, development, and management program for the four-State Delaware Basin, the Commission must be free to integrate its water quality activities with its work on other resource purposes, such as water supply, flood control, recreation, and fish and wildlife enhancement.

4. The interest and jurisdiction of the Federal Government with regard to water pollution control in the Delaware Basin already have been firmly established by the Congress through enactment of the Federal-Interstate Delaware River Basin Compact, Public Law 87-328.

Our first point is best made by quoting from the pollution control section (art. 5) of the compact defining our specific powers, as follows:

“The commission may undertake investigations and surveys, and acquire, construct, operate, and maintain projects and facilities to control potential pollution and abate or dilute existing pollution of the water resources of the basin. It may invoke, as complainant, the power and jurisdiction of water pollution abatement agencies of the signatory parties.” It states further that the commission “may assume jurisdiction to control future pollution and abate existing pollution in the waters of the basin, whenever it determines, after investigation and public hearing upon due notice, that the effectuation of the comprehensive plan so requires.” The pollution article continues:

“The commission * * * may classify the waters of the basin and establish standards of treatment of sewage, industrial or other waste, according to such classes including allowance for the variable factors of surface and ground waters; such as, size of the stream, flow, movement, location, character, self-purification, and usage of the waters affected * * * the commission may adopt and, from time to time, amend and repeal rules, regulations, and standards to control such future pollution and abate existing pollution, and to require such treatment of sewage, industrial or other waste within a time reasonable for the construction of the necessary works, as may be required to protect the public health or to preserve the waters of the basin for use in accordance with the comprehensive plan.”

The commission already has exercised its standard-setting powers by including in its comprehensive plan the zone classifications on the main stem formulated by the former interstate commission on the Delaware River Basin. They were included on an interim basis to provide a water quality framework pending establishment of the commission's own pollution policies, which are being worked on now. Only last week the commission held a public hearing on its proposed amendment to the comprehensive plan requiring minimum primary treatment of sewage throughout the basin, thus initiating regional controls over tributaries as well. Also, we have brought the basin's ground waters under commission protection by adding them to the comprehensive plan.

In elaboration of the second point, I want to note that a variety of techniques for dealing with the pollution problem are being considered as the commission moves to shape a water quality management program for the Delaware.

Timed discharges, flow augmentation, reaeration, subsurface and off-site disposal, and effluent charges are examples that could be used in various combinations. Water quality management conducted as a regional enterprise should not be limited to any single solution, but invites the use of a wide array of alternatives. Setting and enforcing water quality standards is a central focus of the whole effort and should be the responsibility of the same regional agency concerned with all aspects of the problem.

In support of our third point, we feel that, if an important portion of comprehensive river management function is put in the hands of another authority, the pattern and concept of unified management will be broken.

In its report (H. Rept. 310, 1st sess., 87th Cong.) on the then proposed Delaware Basin compact legislation, the House Judiciary Committee said:

"* * * there is a vital need to coordinate the various activities of the many departments of the State and Federal levels if all of the various alternative demands upon the one river are to be reconciled, planned efficiently, and operated without conflict * * * A single basin agency is the obvious answer, since the basin (area) is universally recognized as the proper unit for water resources administration."

On our fourth point, it is important not only that the authority for setting stream pollution control standards was assigned to our commission by the Congress more than 3 years ago but, also, that it was assigned on the basis of a strong Federal participating role.

Under section 5.3 of the compact, each signatory party "covenants and agrees" to prohibit and control pollution according to the compact's requirement. This clearly includes the Federal Government.

We feel there is a potentially contradictory situation in one Federal agency being vested with the power to upset a judgment developed by another agency in which a Federal commissioner participates.

It is this very participation by the Federal Government as an operating partner of the four basin States that sets the Delaware apart from other River Valleys. There is no other such Federal participation in water or any other field. Sitting as a fellow Delaware River Basin commissioner of the four Governors is Secretary Udall by appointment of the President.

In conclusion, we believe that we are asking what amounts to no more than a reaffirmation of what the Congress decided in 1961 when it approved the compact.

Senator MUSKIE. Just a couple of questions for clarification, Mr. Wright.

I was a member of this committee in 1961 when it recommended approval of the Delaware River Compact, and I recall an amendment which was recommended by the committee, and which reads as follows:

Notwithstanding any other provision of this Act, nothing contained in this Act or in the compact shall be construed as superseding or limiting the functions under any other law of the Secretary of Health, Education, and Welfare, or of any officer or agency of the United States relating to water pollution, provided that the exercise of such function shall not limit the authority of the commission to control, prevent, or abate water pollution.

Mr. WRIGHT. Yes, sir.

Senator MUSKIE. That, I take it, is still the law.

Mr. WRIGHT. Yes, it is.

Senator MUSKIE. And the present functions of the Secretary of Health, Education, and Welfare in the field of water pollution include the authority to move into situations and to institute enforcement actions which endanger the health and welfare of any persons. Is that not so?

Mr. WRIGHT. They do; yes, sir.

Senator MUSKIE. And S. 4, as I have indicated this morning several times in colloquy, is designed simply to establish standards which reflect that broad public concern, endangerment of the health and welfare of any persons, and to that extent is it your feeling that S. 4

has a greater impact upon the functions of the authority than present law does?

Mr. WRIGHT. Yes, sir, we feel that way.

Senator MUSKIE. Could you spell that out?

Mr. WRIGHT. Yes, sir.

We feel that the commission is charged with the responsibility for developing a comprehensive plan for the development of the water resources of the basin. One important and major element of that plan, of course, is water quality standards.

The commission has already adopted water quality standards which are both of a stream classification in terms of purpose and of the effluent-control type. The two are merged in the standards that the commission has handed down. We are working on the further enhancement of standards at the present time.

We have no quarrel with your interpretation of the compact, which points out that the powers of the Secretary of Health, Education, and Welfare shall not be superseded by the compact commission, and in turn, the commission is not inhibited in its exercise of abatement or pollution control authority, either.

But we point out that if the commission is to be free to develop a fully integrated plan in which standards are only one feature of a water quality management program, that the commission should be free to do so, and should not have one element of its planning fixed and controlled by an agency outside of its official ken.

Senator MUSKIE. Now, you say you now have established that?

Mr. WRIGHT. Yes, sir. We have adopted as an interim measure the standards of the Interstate Commission on the Delaware, which was promulgated in the late 1930's or early 1940's.

Senator MUSKIE. If the Secretary now, under present law, should consider those standards inadequate, so that they do not adequately protect the health and welfare of any persons in the sense that that language is used in the present law, would he not have authority to move in and act in such a way as to enforce a different degree of performance than would be called for by your standards?

Mr. WRIGHT. As I understand the law, you would have the authority to call an enforcement conference and to propose other actions which the conference might or might not support.

I think there is a distinction, sir, as I believe I heard some discussion earlier, between the interpretation and the enforcement of the standard, and the setting of the standard itself.

Senator MUSKIE. Yes, indeed, there is, but before he moves in, he has to have some idea in mind.

Mr. WRIGHT. Under the present law, as I understand it, he does not have the same authority as is being sought under S. 4.

Senator MUSKIE. I think he does, so that is what I am exploring, the different way of exercising it. But the authority is there.

In other words, he has the authority under present law to decide and to act upon the decision that the standards of performance which you people have established are inadequate, does he not?

Mr. WRIGHT. Yes, sir.

Senator MUSKIE. He can enforce an abatement of pollution, subject, of course, to the review by the courts, which is the same if S. 4 is enacted, but he can act and enforce abatement of a pollution which

you, under your standards, would consider acceptable. Is that not right?

Mr. WRIGHT. He can call a conference to do it, sir, but they have to agree with him, do they not?

Senator MUSKIE. Let's get the question answered, and then worry about the procedure.

But he has enforcement powers now. Those enforcement powers are not changed by S. 4. So he has enforcement powers which could in a situation which it would not be difficult to conceive under present law, move into a situation to abate a pollution which under your standards would be acceptable.

Is not the answer to that "Yes"?

Mr. WRIGHT. Yes; it is.

Senator MUSKIE. So that now, and this is recognized in your charter provision which I read just a few moments ago, if the current law is not changed at all, the Secretary can act to impose a different standard of performance than your standards would provide.

Mr. WRIGHT. He can in enforcement action, but not as part of a standard in a comprehensive plan, sir.

I am talking about the comprehensive plan which is the objective of the commission.

Senator MUSKIE. I will take you to that next, but you agree with me up to this point?

Mr. WRIGHT. Yes, sir.

Senator MUSKIE. And the next point is this: In the power to establish standards, somewhere lies his authority over you. Under the provisions of S. 4, he can call a consultation of affected parties, which would include you, and after that consultation, after considering what you have done in this area, he would then have to decide whether more needs to be done, or even, conceivably, less. But let's assume more.

So as a result of this consultation, he decides—and I am saying this to pose a problem which you raised—he decides that a stricter standard of performance ought to be required than your standards provide.

Now, is it better at that point, having made this determination, to initiate an enforcement action, which he can do under present law, to force a higher standard of performance, or is it better for him to establish standards which would enable the authority then to do one of two things?

After the Secretary has made such a decision, you would have the right under S. 4 to propose standards of your own, as an alternative, or, two, you can simply wait until the standards have been tested in court.

Now, which is the better course to follow?

Mr. WRIGHT. I think there is another course to follow, sir, that is, that he should do his best to persuade the commission to adopt his standards.

The commission has the appropriate Federal agency which is unique in this basin. His powers are not only persuasive, but ultimately mandatory.

Senator MUSKIE. You downgrade your powers of persuasion. How can you expect to be more persuasive without a forum than with a forum?

At the present time you have to find a way or an occasion to persuade the Secretary that you are doing a good job. Under S. 4, you provide a formal consultation to persuade the Secretary that you are doing a good job.

Mr. WRIGHT. I think we can get our point of view to the Secretary without S. 4, sir. But I am not discussing S. 4 in a general term, but only in this specific.

Senator MUSKIE. I understand. You have made your point.

I think you are overly concerned. I think that what we are proposing gives the Secretary no larger area of jurisdiction than he now has, and that really what you are concerned about is the existence of a set of standards that may be different than your own.

All I am saying to you is that that separate set of standards is not likely to come into existence unless the Secretary feels that the performance that your standards provide is inadequate, and if he feels that, he can act under the present law.

That is all I am saying.

Mr. WRIGHT. But differently.

Senator MUSKIE. In other words, I do not think that simply because the Secretary has authority to establish standards he is going to establish them when you already have yours.

It seems to me in that situation he is going to go out of his way to give you the benefit of the doubt, unless he is convinced otherwise.

I do not think you have to assume that he is going to be arbitrary any more than he should assume you are arbitrary in setting too low standards.

Mr. WRIGHT. So far we have not made any such presumption, but it is to avoid the possibility of considering such a fact that we are entering our objection at this time.

Senator MUSKIE. The whole thrust of S. 4 is that the States shall be given the right to act first, and that if they set standards, those standards should be given credibility, and that those standards should be weighed in the light of the purposes of the act. It is only when they fail—and everything you have testified to is that you have not failed—that this reserve power is vested in the Secretary to set some standards.

This is my response to the testimony you have offered, so that we can have some understanding of how we each react.

Mr. WRIGHT. I think, sir, that our concern is, with all due respect to the purposes which you enunciate, we feel this clouds our ultimate authority, which at the present time, in terms of setting standards for the future, and in enforcing them, is not questioned, or not overshadowed by the possibility of further standards established by another authority.

Senator BOGGS. I think, Mr. Wright, that you have made your point well, and I know that the committee will consider it.

I know you do not want duplication of authority there, and you want to feel that you want a free hand to move forward with the progress you are making.

I certainly commend the commission, you, on the progress which has been made in a short time already. I assure you as the committee considers the testimony and works on the bill in executive session, that we will give every consideration to the point you have made.

Senator MUSKIE. Thank you.

Mr. WRIGHT. Thank you very much.

Senator MUSKIE. Thank you, Senator.

The committee is in receipt of a great number of statements and communications from organizations and States depicting their positions. I will place them in the record at this point.

(The exhibits are as follows:)

STATEMENT OF CHARLES L. WILBAR, JR., M.D., SECRETARY OF HEALTH,
COMMONWEALTH OF PENNSYLVANIA

As secretary of health for Pennsylvania I am chairman of its sanitary water board. This statement is presented on behalf of the board, Pennsylvania's water pollution control agency.

We have considered Senate bill 4 which would amend the Federal Water Pollution Control Act and support the portions of the bill dealing with a change in the expression of the act's purpose, providing research and development grants for abating pollution from combined sewers, increasing the construction grant limits and providing additional grants for projects that conform to a comprehensive plan.

The board is opposed to section 2 of the bill which would establish a Water Pollution Control Administration in the Department of Health, Education, and Welfare, and section 5 dealing with the establishing of water quality standards for interstate streams and portions thereof.

Before commenting on these two sections of the bill, I would like to say that I submit this testimony not only as a representative of our sanitary water board but also as a public official who is deeply concerned with the impact which the proposals before you are likely to have on the Nation's water pollution control program and on Federal-State relationships.

My concern is that a careful reading of the record related to this proposed legislation discloses few facts which would support the need for the provisions in sections 2 and 5 of the bill.

I would like to comment first on section 2 of the bill.

Pennsylvania's Sanitary Water Board has been dealing with problems in the water pollution control field since 1923. We have the oldest State water pollution control agency in the country and have, I believe, a good record of accomplishments in conserving and improving the quality of the water resources in our Commonwealth.

We have been working with the Public Health Service since the beginning of our water pollution control work. The Public Health Service has a most competent technical and scientific staff.

In addition to the operating personnel in the water pollution control program, there are many other employees of the Public Health Service whose talents in fields such as radiation, aquatic biology, toxicology, water supply, bacteriology, and virology are utilized in this important endeavor. If the program were transferred to a separate agency, there would be a significant loss in the effective communication which exists among scientific people who work shoulder to shoulder in the same agency.

It seems to me that Congress was wise in so designing the present Federal Water Pollution Act that this function would be carried out within the framework of a health agency where there is the technological and scientific talent which needs to be brought to bear on this problem. We find nothing specific in the record concerning this bill which would now support a change in this decision. Dividing responsibility for health-related programs among more than one agency is likely to reduce rather than enhance the effectiveness of governmental action in this field. I doubt if the facts would show that programs have been strengthened by the division of water pollution and health responsibility in States where this has occurred.

During the past 40 years Pennsylvania's water pollution control program, which is located in the department of health, has been expanded continually to meet the serious challenges which have confronted us in the water pollution field. Our department has provided leadership in the development of technology in such fields as mine drainage control, tannery wastes, treatment of coal fines, treatment of acid pickle liquors, pulp and papermill wastes and heated wastes. We are conducting research on the effects of detergents and pesticides on fish life. You will note that none of these projects is related directly to human

health; yet this work has been done while the program was located in a department of health with a sanitary water board chaired by a series of 10 physicians. Throughout all these years the board and the department recognized the fact that water pollution responsibilities go far beyond health considerations, although there was always the awareness that one of the most important reasons for our efforts to control water pollution is the protection of health.

I bring up these points because in supporting section 2 of Senate bill 649, which is identical to the same section in Senate bill 4, the argument has been made that the primary orientation of the Public Health Service is and should be toward health objectives and therefore other considerations, such as problems of industry, recreation, and aquatic life, have not been given the attention to which they are entitled. No specific evidence has been introduced to support this contention and when one looks at the facts they speak to the contrary.

Recently we worked on the problem of establishing criteria for the discharge of heated wastes to our streams. The primary consideration of this problem is the protection of fish and other aquatic life. In order to assist our advisory committee, the Public Health Service assigned to us one of the most eminent aquatic biologists in this country. He was able to provide the committee with the type of technical information which it needed to effectively conclude its mission.

The problems of water pollution control today are so complex and interwoven that it is generally not possible to separate contaminants which may have an adverse effect on health from those that might adversely affect other uses. We know that when we have reduced pollution from substances (such as pesticides) that are toxic to fish, then we will also have protected human health. Organic substances which cause taste and odors in public water supplies may also do damage to the industrial uses of waters. When we have abated sewage pollution from our streams we will have protected aquatic as well as human life from this type of pollution. A water that is safe for humans will certainly be satisfactory for most of the other important uses.

The extensive research activities in the field of water pollution control carried out by the Public Health Service have been devoted to all types of water uses and not merely for the protection of health. For example, 12 percent of the research money spent by the Service on water pollution control has been applied directly to the aquatic life problem alone. This does not include other research efforts which have indirect benefits to the protection of aquatic life. Similarly, Public Health Service research work has been done for years on important industrial wastes. The other programs of the Service—training, technical assistance, and comprehensive planning—have traditionally been related to all water uses. We have heard of no specific testimony which shows that the Service has neglected the broader aspects of water pollution control.

The argument has been made that the Service's water pollution program has been subordinated to other programs, but let us look at the record. In 7 years the Service's appropriation for water pollution control has risen from \$1.2 million to \$125 million, and its personnel in this field has increased from 157 to 1,136. This is a very rapid growth which is not likely to be duplicated in many other Federal endeavors. How can it then be said that the Service has not given due emphasis to the Nation's water pollution control program? The number of engineers and scientists who are qualified to do this work is clearly limited. Had the growth of the Federal program been faster, it probably would have resulted in such an intensive recruitment effort that staffs of State and interstate water pollution control agencies and educational institutions might have been seriously depleted.

In order to have an effective nationwide water pollution control program, close cooperation between the Federal and State water pollution control agencies is essential. State water pollution control agencies will continue to have primary responsibility for the thousands of individual pollution cases within their borders. The Public Health Service already has good working relationships with the States, and it would, in my opinion, take many years for a new agency to develop this constructive relationship.

It is for these important reasons that we oppose section 2 and firmly believe that the 1961 amendments to the Water Pollution Control Act, which place the responsibility for the administration of the act directly under the Secretary of Health, Education, and Welfare, give the Secretary the flexibility he needs to expand and, if necessary, reorganize this program.

Regarding section 5 of this bill, we find little evidence in the record to justify such a great expansion of Federal power in the field of water pollution control. In accordance with the present law, the Federal Government may exercise its regulatory powers whenever it finds that there is interstate pollution. Under the proposed section 5, the Federal Government, in the person of the Secretary of Health, Education, and Welfare, could set standards on all interstate streams and portions thereof. This wording includes nearly all the streams in the country.

Unlike the enforcement provisions under present law, the Secretary needs to make no determination as to whether or not pollution exists before he can set such water quality standards. It is true that he is required to consult with State and interstate agencies and to call a hearing, but the fact remains that he is the final authority on the setting of water quality standards on all of our important streams. Whether or not he initiates enforcement proceedings, the setting of these standards has significant policy implications for which there is no precedent in Federal law as it relates to the development of water resources.

At present most State water pollution control agencies set such standards, and properly so, for they have a more intimate knowledge of the problems of their respective States. This, we believe, is the intent of the present Federal Water Pollution Act as is stated in section 1 of the act. The proposed section 5, unless amended so as to be limited to streams where the Federal Government believes interstate pollution exists, conflicts with section 1 of the act.

The setting of standards, because they determine the degree and type of treatment which is necessary, requires industries and municipalities to build treatment facilities. These standards, set by a single Federal official, will be reflected in the expenditures by municipalities and water-using industries. They will even affect the decisions which new industries have to make when considering site locations. Such standards by the Federal Government would undoubtedly overlap and conflict with the actions of State water pollution control agencies.

Water quality standards must, of necessity, be related to a given streamflow. It is not possible, therefore, to separate the setting of water quality standards from the entire process of water resources planning. There is also considerable interdependence between water resources planning and economic planning. Certain types of industries may not be able to locate on a given stream because of the standards which have been set. One man, the Secretary of Health, Education, and Welfare, would have the power to control to a large measure one of the most basic ingredients of a State's economic future—its waters.

As I have mentioned before, there is to our knowledge no precedent in Federal water resources policy in this regard. Before the Corps of Engineers and the Bureau of Reclamation can proceed with a water resources project they must have a sequence of authorizations from Congress to proceed. Senate bill 4 provides for no such concurrence from the States or Congress. Senator Muskie, in his statement concerning the purpose of this section to the Senate in the 88th Congress, indicated that he hoped that this section would prevent the need for Federal enforcement action. We believe that our proposal that the establishing of water quality standards by the Federal Government be limited to interstate pollution situations would accomplish the same purpose without such a broad expansion of Federal authority.

With reference to the general problem of water quality standards, we would welcome the development of water quality criteria by the Public Health Service which could be used by the States as a guide in their water pollution control programs. By water quality criteria, I mean the concentration limits of pollutants that will not adversely affect beneficial water uses. The Public Health Service is already able to do this under section 4 of the present Federal Water Pollution Control Act. Water quality criteria would enable the State water pollution control agencies to do a more effective job and provide for more uniform administration of water pollution control efforts.

Senate bill 4 has eliminated the section of Senate bill 649 that would have required a permit system to control waste discharges from Federal installations. Our problems with pollution from Federal installations in Pennsylvania has not been too great, but we have had some. We feel that such a provision in the Federal water pollution control law would be quite appropriate and consideration should be given to including it in Senate bill 4.

In some instances the Federal Water Pollution Control Act and its proposed amendments refer to specific pollution problems. For instance, this act has a specific amendment that would authorize a grant program for develop-

ment of methods to abate pollution from combined sewer systems. Pennsylvania's greatest water pollution control problem today is pollution from mine drainage. Pennsylvania's mine drainage problem is not one that is going to be solved by a Federal enforcement program or the creation of a new Water Pollution Control Administration. The major portion of the pollution comes from mining operations that were carried out and abandoned prior to any water pollution control regulation by the State. To improve water quality in these areas we need a positive program of mine drainage abatement projects. We have estimated that such a project will require \$250 million for Pennsylvania alone. We hope that funds will be provided for some of this work under the Appalachia program. Appalachia funds would be limited to eliminating pollution arising from strip mines on public property and research and demonstration efforts.

Funds are presently being provided for mine drainage demonstration projects under the Federal Water Pollution Act. The only other Federal legislation that directly affects mine drainage control is the anthracite mine dewatering act that provides funds to pump mine drainage into streams. This adds pollution to streams. There is no Federal authority and there are no funds to abate this type pollution. There is need for an amendment to the Federal Water Pollution Act which would give the Public Health Service adequate funds and broad legal authority not only to conduct mine drainage control research and demonstration projects but also to assist the States in abating mine drainage pollution.

We are interested in implementing progress in water pollution control. I believe that Pennsylvania has a dynamic water pollution control program, and that we are making substantial progress. I feel that the aid that the Federal Government has given us in the past in the form of program and construction grants, training, and technical assistance has benefited our program.

Except for sections 2 and 5, Senate bill 4 would help to enhance our Nation's water resources. These two sections authorize an administrative change which would impair the water pollution control program and an expansion of Federal authority which is both unnecessary and unprecedented.

STATEMENT OF HOLLIS S. INGRAHAM, M.D., NEW YORK STATE COMMISSIONER OF HEALTH, REPRESENTING THE NEW YORK STATE WATER RESOURCES COMMISSION

I am Dr. Hollis S. Ingraham, commissioner of health of the State of New York. I present these views on behalf of the Governor of New York State, Hon. Nelson A. Rockefeller. My purpose is to present to you the views of New York State in connection with the priority problem of water pollution.

We, in New York State, believe that both State and Federal Governments bear the responsibility to reduce the burden on our municipalities of constructing much-needed sewage treatment facilities. Last December 27 Governor Rockefeller announced a bold program to meet that need. The Governor proposed that the State of New York assume a full 30-percent share of the cost of building local sewage treatment facilities. He also stated his conviction that the Federal Government should assume a like share.

The Governor proposed a billion-dollar State bond issue in connection with this program. The bonds would pay \$513 million to cover the State's 30 percent share of the estimated cost of local treatment plants and interceptor sewers needed in New York from now through 1970. The issue would also prefinance the full Federal share if this becomes necessary.

We believe that the Federal Government can meet its responsibility in this plan by removing those provisions of Public Law 660 which discriminate against large cities and urban areas. Presently Public Law 660 authorizes the Federal Government to pay up to 30 percent of the cost of local treatment facilities. But the law places a limit of \$600,000 on the amount which may be paid to a single municipality for a single project. It places a limit of \$2.4 million on the amount which may be paid to municipalities cooperating in a joint project. The law also places a percentage limit on the amount of the total Federal appropriation which may be paid to local governments with populations over 125,000.

The present law discriminates heavily against urban States like New York, despite the fact that water pollution is basically an urban problem. It does

this by a formula which allots New York only slightly more than \$5 million from a total \$100 million annual appropriation.

The result of these limitations is that Federal aid is woefully inadequate to significantly abate water pollution.

To correct this situation we propose these amendments to section 6 of the Federal Water Pollution Control Act:

1. Eliminate entirely limits on the amount of Federal aid which may be paid to a municipality or group of municipalities eligible for a project.

2. Eliminate entirely the limits on the percentage amount of total grants which may be made to municipalities of more than 125,000 population.

3. Relate sewage treatment needs to the allocation of funds on a more equitable basis by these measures:

(a) Continue the provision allotting 50 percent of the grants to States on the basis of the ratio that the population of a State bears to the population of all States.

(b) Replace the provision allotting the remaining 50 percent on the basis of per capita income. Replace this with a provision allotting the remaining 50 percent according to the ratio that the State's urban population bears to the urban population of all the States. Urban population would be determined according to the Census Bureau's definition.

Such amendments would naturally require an increase in the total yearly Federal authorization. But this increase would raise the Federal program to a level more reasonably approximating our actual needs. We have made such an assessment of actual need in New York. Our objective is to end water pollution by decisive action within 6 years and to attain the benefits of pure waters as quickly as planning and construction timetables will permit. It is with this sense of urgency that Governor Rockefeller recommended the billion dollar State bond issue to pay the State share and to prefinance the Federal share if necessary.

To accommodate and encourage such prefinancing, the Federal Water Pollution Control Act should provide specifically for eventual reimbursement when States advance the Federal share, as Federal appropriations become available.

Governor Rockefeller's program also includes State and local tax incentives to industry to spur the construction of needed industrial treatment facilities. He recommended that the State legislature exempt these new facilities from local real property taxes. In addition, he proposed that the State, under its corporate franchise tax, provide industry with the option of a 1-year writeoff for such facilities. We respectfully suggest that the Federal Government provide industry a similar incentive under the Federal corporate income tax by amending the Internal Revenue Code.

I now want to comment on the enforcement powers of the Federal Water Pollution Control Act. Senate bill 649 introduced in the last Congress and this year's S. 4 affect enforcement and certain other aspects of the act.

New York State operates an effective water pollution control program. We have set adequate standards which we continuously update and improve. Our water resources commission which is responsible for State water policy and planning adopted a resolution on S. 649. That resolution urged that the bill be amended as follows:

1. To give full effect and recognition to the existing and adequate classification standards and pollution control programs of the States;

2. To provide for the preparation and recommendation of interstate or regional standards by the several States involved in any region where adequate standards have not been promulgated by the States or interstates agencies; and

3. To assure that effective State and interstate programs will not be suspended, altered, or hampered by Federal-agency action without the consideration and concurrence of the State or States involved.

We offer these suggestions in order to confront squarely a modern problem of undeniable urgency. The accelerating pace of urbanization and the continuing population boom underscore the mandate we have to preserve our natural resources. The priority element among these resources is the Nation's water. We urge you to give our suggestions your earnest and sympathetic consideration.

ALBANY, N.Y., *January 18, 1965.*

HON. EDMUND MUSKIE,
*Chairman, Subcommittee on Air and Water Pollution,
 Committee on Public Works,
 U.S. Senate, Washington, D.C.*

SENATOR MUSKIE: This is in regard to Senate bill 4 as it would amend the grant-in-aid provisions of the Federal Water Pollution Control Act.

I have recently recommended a comprehensive program to eliminate water pollution in New York.

Both the New York State and Federal Governments bear the responsibility to remove much of the burden of cost from municipalities in the construction of needed sewage treatment facilities. I have proposed that the State of New York assume a full 30-percent share of the local cost of such facilities, and I believe the Federal Government should assume a like share.

I have also proposed that the State undertake a billion-dollar bond issue to pay the State's \$513 million, or 30 percent, share of the estimated cost of the local sewage treatment plants and intercepting sewers needed in New York now and through 1970, and to prefinance, if necessary, the full Federal share.

It is my view that the Federal Government's responsibility can be met by the removal of those provisions of Public Law 660 which discriminate against large cities and urban areas.

I urge your earnest and sympathetic consideration.

NELSON A. ROCKEFELLER.

STATEMENT OF MISSOURI WATER POLLUTION BOARD

The Missouri Water Pollution Board would like to take this opportunity to express their opposition to proposed water pollution control legislation relating to establishment of water quality standards for the following reasons:

1. There is no necessity to establish water quality standards. We and all adjoining States use water quality objectives, and the progress to date in abating pollution is outstanding. All major Missouri River cities have completed, have under construction, or have voted bonds for waste-treatment works. Establishment of standards is very expensive, time consuming, and would require continuing cost in keeping standards current.

2. Water quality standards reduces State and local responsibility in pollution abatement. We believe there is no need to give the Federal Government additional powers in an area where satisfactory progress is being made.

STATE OF MONTANA,
 STATE BOARD OF HEALTH,
Helena, Mont., January 14, 1965.

HON. EDMUND S. MUSKIE,
*Senate Office Building,
 Washington, D.C.*

DEAR SENATOR MUSKIE: We have just learned that the water pollution control bill which was introduced at the last session of Congress has been reintroduced.

If it were possible for representatives from Montana to appear before a hearing of the committee, we would be there to oppose such unnecessary legislation. Since this is not possible, we again want to reiterate our previous stand that we feel that this is a step backward. It can lead to nothing except further antagonism to a program that has been with the Public Health Service, under State departments and fairly well received in the United States. In Montana, it has been excellently received.

We are proud of our record, and today we have but one sewered municipality discharging unsewered wastes to a stream and this municipality will be holding an election in April whereby the electorate will have an opportunity to vote for bonds to pay for sewage treatment. Industries in this State, which is generally not considered to be an industrial State, have maintained the same pattern that our municipalities have and in the last 10 years have spent upward of \$20 million correcting situations that would exist and prevent future pollution of our streams. Montana is proud of this record. We have our streams classified, and we object to further effort which would place Federal Government over this matter.

Sincerely yours,

JOHN S. ANDERSON, M.D.
Executive Officer.

NORTH CAROLINA DEPARTMENT OF WATER RESOURCES,
STATE STREAM SANITATION COMMITTEE,
Raleigh, N.C., January 14, 1965.

HON. PAT McNAMARA,
Chairman, Committee on Public Works,
U.S. Senate,
Washington, D.C.

DEAR SENATOR McNAMARA: We understand that your committee will hold a hearing on January 18, 1965, to consider proposed amendments to the Federal Water Pollution Control Act as set forth in Senate bill 4. It is further our understanding that the bill now under consideration is substantially the same as S. 649, introduced during the last session of Congress, with the exception that those portions having reference to detergents and requiring permits for waste treatment facilities at Federal installations have been deleted.

It is not the purpose of the North Carolina State Stream Sanitation Committee to oppose those portions of S. 4 which are aimed at strengthening and improving the Federal water pollution control program; however, it is desired to bring to your attention our views concerning certain aspects of the proposed legislation.

We are opposed to the provision which would establish within the Department of Health, Education, and Welfare a separate administration charged with the responsibility of carrying out the national water pollution control program. The Public Health Service has achieved a rather high degree of success in administering the program and has developed an outstanding corps of engineers and scientists who are engaged in water pollution control activities. In view of this and since many such trained personnel would be lost to the program, we believe it to be in the public interest to continue the program within the Public Health Service and that its status within the organization be elevated to reflect its important roll in the preservation of our water resources. In this connection, we would suggest that consideration be given to the feasibility of creating within the Public Health Service a National Institute of Water Pollution Control to be responsible for the administration of all phases of the program (research, technical, enforcement, etc.) under the supervision of a qualified director.

While we do not specifically oppose an increase in maximum grants allowable for sewage treatment works, it has been our experience in North Carolina that the maximum grants presently authorized are sufficient to provide ample incentive for the construction of treatment works. On the other hand, if there appears to be justification for increased maximum construction grants, then such increases should certainly be accompanied by an increase in the annual appropriation for the program from \$100 to \$200 million. Failure to increase the annual appropriation will simply reduce the number of projects which can be supported and serve to continue the large backlog of unmet needs that should be satisfied as rapidly as possible.

We do not believe it desirable for the Secretary of Health, Education, and Welfare to establish water quality standards for interstate waters. The State of North Carolina has already classified and assigned water quality standards to all of the State's waters. These are assigned in cooperation with the affected downstream States and are considered adequate to provide water of suitable quality to meet our present and future needs; therefore, it does not appear justified for the Federal Government to superimpose additional standards upon those already established. In fact, should this provision of the bill be enacted it could lead to the duplication of efforts and to confusion among the municipalities and industries with respect to which standards they should seek to achieve. We recommend, therefore, that this provision be deleted and that the Secretary be authorized to formulate suggested water quality objectives or standards for the assistance and guidance of State and interstate agencies in the establishment of standards to be applied to waters under their jurisdiction.

We are likewise opposed to Federal enforcement with respect to intrastate waters in which shellfish are grown. The control of such waters should remain the responsibility of the States in which such waters are located and should not be subject to pollution abatement under the Federal act. The Department of Health, Education, and Welfare already has the authority to prevent the marketing of shellfish in interstate commerce which should be sufficient to protect the health of shellfish consumers.

During the past there have been many references to the inadequacy of State programs to cope with the growing needs for water pollution control. This is perhaps true in many instances and has been reflected in the quality and quantity

of pollution control work being done at the State level. The problem stems largely from the lack of funds with which to provide adequate staffs and to otherwise support the cost of administering essential program activities. It is, accordingly, suggested that Congress give serious consideration to increasing the annual appropriations for program grants under section 5(a) of the Federal Water Pollution Control Act. We are confident this is one area in which Congress could help in the enhancement of water pollution control efforts throughout the Nation.

Please be assured that your consideration of the views presented herein will be greatly appreciated.

Sincerely yours,

E. C. HUBBARD,

Director, Division of Stream Sanitation and Hydrology.

EXECUTIVE OFFICE,

STATE OF KANSAS,

Topeka, Kans., January 14, 1965.

HON. EDMUND S. MUSKIE,

*Chairman Special Subcommittee on Air and Water Pollution,
Senate Office Building, Washington, D.C.*

DEAR SENATOR MUSKIE: I am well aware of your leadership in bringing attention to our national water pollution problem and of your efforts to bring about legislation for the prevention, control, and abatement of water pollution in the interests of our great Nation. It is my understanding that hearings on S. 4 are to be scheduled for the near future, and this letter is to give you a brief summary of my viewpoint regarding water pollution.

The State of Kansas has not been endowed with an overabundance of water and, therefore, is highly cognizant of the need for protection of the State's waters from detrimental pollutants. This awareness for the necessity of protecting our water resources from pollutants is substantiated by noting that pollution control programs were established in the State as early as 1912. Increased emphasis was placed on water pollution control activities throughout the years as the need arose. As the result of the growth and development of effective water pollution control activities over the years, I feel Kansas has established programs, results, and experience of which it can well be proud. Upon completion of current construction projects, untreated municipal wastes will have been reduced to a total population equivalent of less than 5,000 persons. Brine pollution resulting from oil production has received equal emphasis over the years, which has resulted in more than 99.5 percent of all oil brine being under satisfactory control by disposal into deep geologic formations isolated from usable aquifers. This brine control program represents effective disposal of over 2 billion barrels a year at the present rate of oil production.

With respect to other industrial wastes, Kansas has been giving increased emphasis to their control during the past 7 years. As a result, 74 percent of the industries producing significant wastes through private disposal systems are also providing waste treatment. This can be compared to 35 percent in the year 1957. Upon completion of the Kansas City, Kans., metropolitan facilities currently under construction, the percentage of Kansas industries providing treatment of wastes will have risen to approximately 85 percent. This program of industrial waste treatment is continuing and satisfactory results are indicated.

I am opposed to the grant of authority to the Secretary of Health, Education, and welfare, or to any other department to establish water quality standards for the Nation's streams. Kansas has more than half a century of experience with a local State-supported pollution abatement program and has been using water quality standards to measure the effectiveness of its programs for over 25 years. Water quality standards must be based on a detailed knowledge of the region's water resources and the demands made upon them. Effective standards will vary between river basins and even subbasins, dependent upon the economy, topography, rainfall characteristics, and needs of the area. Because water quality standards can best be established by the States, I do not feel it is in the best interest of Kansas to surrender this function.

I further believe the U.S. Public Health Service has worked effectively with Kansas in the administration of its pollution abatement programs. In the region of which Kansas is a part, the Public Health Service, at the request of the States concerned, has conducted hearings with regard to pollution of the Blue and Missouri Rivers. In all cases satisfactory results were obtained.

The hearing boards established by the Public Health Service consisted of both State and Federal representatives and resulted in fair representation of the views of the parties and States involved. Current construction of the complex treatment works for Metropolitan Kansas City attests to the success of this approach as authorized by Public Law 660. In view of these considerations, I am opposed to the establishment of a new agency within the Department of Health, Education, and Welfare to administer this program. The Public Health Service has the qualified scientific personnel necessary for the water pollution control program and has established procedures and working relations which are necessary for ultimate solution of our State's and Nation's water pollution problems. I would not oppose increased emphasis or elevated administration of water pollution control within the Public Health Service in keeping with the national importance of water pollution problems.

In many areas of our State and of our Nation not having an abundance of water, the expanding population and industrialization will be, and are, creating many water pollution problems. Many exotic chemicals are discharged or are formed upon combination of separate waste discharges which constitute a threat to our Nation. These chemicals are not subject to treatment by conventional methods and little is known of their long-term physiological effects on our population or our environment. Health remains as one of the major reasons for prevention of water pollution and is well suited for programs of the U.S. Public Health Service.

Increased emphasis and support is needed for development of advanced waste treatment methods directed toward nearly complete reclamation of waste waters. Many methods in this area have been developed which are technically feasible but are not feasible from an economic standpoint.

The congressional delegation for Kansas is knowledgeable with regard to our needs in the water pollution control field and may be of assistance to you in this matter. In order that the views of Kansas may be more fully explained, I have asked Senator Frank Carlson to make this presentation for me if his schedule will permit.

Sincerely,

WM. H. AVERY, *Governor.*

STATE OF TENNESSEE,
STREAM POLLUTION CONTROL BOARD,
Nashville, Tenn., January 18, 1965.

HON. ALBERT S. GORE,
Senate Office Building, Washington, D.C.

DEAR SENATOR GORE: Mr. S. Leary Jones, executive secretary, Tennessee Stream Pollution Control Board, discussed the amendments to the Federal Water Pollution Control Act included in the bill S. 4 with Mr. Jack Lynch of your office on January 15, 1965. It was suggested that we write you further concerning our objections to the amendments.

At this time we do not know all of the provisions that are included in S. 4. It is our understanding that two of the previous sections remain in the bill and that these were the two which received major objections last year.

It is also our understanding that the Senate committee plans to hold hearings on only 1 day, January 18, 1965, and that the Department of Health, Education, and Welfare, and a select panel of industries will testify. No State is scheduled to testify. We hope that the committee will not report this bill in its present reported form and that the Senate will not consider passing such amendments until those responsible for the programs within the States have an opportunity to explain to the committee why this bill will seriously damage State programs.

It is our understanding that it was the intent of Congress that the national water pollution control program was to be a cooperative program with the rights of the States considered. The amendment section concerning standards for streams can seriously damage the programs within the States.

This section on standards is not needed and should be removed from the bill. We oppose this section which gives the Secretary of Health, Education, and Welfare the sole power of decision as to whether Federal stream standards are necessary and what their content should be. The present law provides for conferences and hearings between States, regional agencies, and the Department of Health Education, and Welfare. Stream standards are set or are implied each time conclusions are drawn at a conference or hearing.

If stream standards are determined by any other procedure, it will result in the zoning of streams without adequate facts and hearing on the uses of the downstream waters. Arbitrary zoning of stream waters can result in severe economic damage to the municipal, industrial, and recreational development of Tennessee. All pollution in Tennessee has not been corrected but we are proud of the record which shows that pollution of major significance is or will be brought under control by our board's program.

We understand that one section of the new bill will establish a new Water Pollution Control Administration within the Department of Health, Education, and Welfare. We do not believe anything will be accomplished by changing the administrative organization within the Department. It appears that the present law gives the Secretary sufficient authority to organize or elevate the program within the present organization structure. The so-called elevation of the program has not been done by the Secretary.

Under the present law the Secretary calls the conference or hearing, his representative is the chairman, and the policies and procedures are set by his office. We believe there was better administration of the program when it started and authority and responsibility were delegated to the Public Health Service. If a change is indicated, we recommend that the entire program be placed in the Public Health Service and that the Surgeon General be authorized and instructed to carry out a program.

Much has been written about the lack of pollution control in the United States, and most of this is written without facts. It has been a long time since a national survey was made on industrial wastes and yet figures are presented on the amount each year. We believe if accurate facts were presented each year to Congress you would not have to worry about these amendments each year.

I will appreciate your transmitting our opinion on S. 4 to the Senate committee with the request that it be included in the record. If we can send further specific information or testify before the committee at a later date, we will be glad to do so.

Sincerely,

R. H. HUTCHESON,

*Chairman, Tennessee Stream Pollution Control Board and Commissioner,
Department of Public Health.*

STATE CAPITOL,
Salem, Oreg., January 14, 1965.

HON. EDMUND S. MUSKIE,
*Committee on Public Works,
Senate Office Building,
Washington, D.C.*

DEAR SENATOR MUSKIE: It is my understanding that a preliminary hearing has been scheduled for January 18 on S. 4, a bill which you have introduced to amend the Federal Water Pollution Control Act, as amended.

According to our information, S. 4 is identical in all major respects to S. 649 of the 88th Congress. You may recall that Oregon objected to certain features of the latter as passed by the Senate, particularly the section dealing with establishment of water quality standards.

Although portions may not be applicable, I respectfully request that the enclosed statement of Oregon's position on S. 649, presented before the House Committee on Public Works, December 3, 1963, be entered in the record of the January 18 hearing on S. 4 as representative of Oregon's initial reaction to this legislation.

After we have had an opportunity to further review the provisions of S. 4, we shall wish to submit further testimony. Your courtesy in acknowledging this request is appreciated.

Sincerely,

MARK O. HATFIELD,
Governor.

STATEMENT BY HON. MARK O. HATFIELD, GOVERNOR OF OREGON, ON S. 649,
DECEMBER 3, 1963, BEFORE HOUSE COMMITTEE ON PUBLIC WORKS

Mr. Chairman and members of the committee, I am delighted at this opportunity to present Oregon's views on S. 649, a bill to amend the Federal Water Pollution Control Act as amended.

This statement will contain information similar to that prepared for presentation before the House Subcommittee on Natural Resources and Power at its scheduled hearing in Seattle, Wash., on November 22, 1963.

The chairman of that subcommittee, Congressman Robert E. Jones, of Alabama, has expressed his belief that the solutions of our Nation's water pollution problems can best be achieved through maximum cooperation between all levels of government, industry, conservation, and civic groups, and the many people who will benefit from clean water and suffer from polluted water. Oregon concurs in this belief. However, we do not feel that S. 649, in the form adopted by the Senate on October 16, is the best means of encouraging such maximum cooperation.

The purposes of this bill, as enunciated in section 1, are such as to elicit complete support. Certainly no one will argue that clean water is undesirable. Section 1, adding a new subsection to the existing Federal Pollution Control Act, in essence provides for keeping waters as clean as possible, as opposed to using the full capacity of such waters for waste assimilation. With this we are in complete agreement. However, we find that the proposed methods of reaching this completely desirable objective, as contained in certain other sections of S. 649, are apparently in conflict with responsibilities which at present are rightfully assigned to, and largely accepted by, State and local authorities. Such responsibility has surely been accepted by Oregon.

The people of Oregon have long recognized the importance of clean waters. Such waters constitute our most important natural resource. As early as 1889, the State legislature adopted a law which declared it illegal to pollute waters used for domestic or livestock watering purposes. From 1903, when the State board of health was created, to 1921, several additional antipollution laws were enacted.

In 1938 a comprehensive antipollution law was approved by the people as an initiative measure, by a 3-to-1 majority. This measure provided the framework for Oregon's present water pollution control program.

The 1938 law established a definite State policy for control of water pollution, created the sanitary authority as a division of the State board of health, gave to the authority the responsibility for abating existing pollution and preventing future pollution, and established the legal procedures by which the authority could function in the enforcement of State statutes. This basic law has since been strengthened to bring it in line with current legal procedures and judgments, to clarify procedures, and, in emergencies, to permit direct court action. The latest and most extensive amendments were adopted in 1961 and 1963.

When the sanitary authority started its program in July 1939, there were only 49 sewage treatment plants in existence in the State. They served less than 100,000 persons or less than 17 percent of the total sewered population. Raw sewage from more than 450,000 persons was being discharged daily into the State's public waters. The majority of the 49 plants were already overloaded or otherwise inadequate. None of the Oregon communities along the two major interstate streams, the Snake and the Columbia Rivers, had any kind of sewage treatment plant. There was not a single sewage plant on the main stem of the Willamette River or along the Oregon coast.

Industry, likewise, provided little or no treatment for the millions of gallons of wastes which at that time were being poured daily into Oregon's waters. The population equivalent, based on oxygen demand, of the untreated wastes which were being discharged from pulp and paper mills, fruit and vegetable canneries, meatpacking plants, milk processing plants and numerous other industries was estimated at more than 3 million or more than six times the domestic sewage loading.

As a consequence, sections of many of Oregon's streams had become so polluted that they were a menace to health, destructive of fish and other aquatic life, and unfit for beneficial uses. For example, in the lower section of the Willamette River, which flows through the city of Portland and which is one of the State's most important streams, the dissolved oxygen content would drop to zero for a period of time each summer, thereby making it impossible for fishlife to survive. Cities which at one time had used this river as their source of public water supply had long since abandoned it for that purpose.

Such was the situation that existed when the sanitary authority started its program in 1939.

The authority by law is directed to encourage voluntary cooperation of all parties concerned in restoring and preserving the quality and purity of the State's waters. This it has done. In cases in which voluntary cooperation has not been

forthcoming, it is authorized to enforce compliance through legal action, and this it has done. Thus far public hearings have been held and orders entered involving 52 municipalities, 49 industrial plants, and 9 private agencies. Court actions have been instituted against seven industries, four cities, and three private agencies. One court case is pending at the present time.

We are happy to report that outstanding progress has been made in the abatement and control of water pollution in Oregon. At the present time there are some 204 public and semipublic sewage treatment plants in operation serving an estimated 940,000 persons, or more than 96 percent of the total sewered population. In addition, 31 projects are currently under construction.

Every city on the main Willamette River now has at least primary sewage treatment, and by the end of 1964 the majority will have secondary treatment. With the exception of two cities, one at the mouth and one small city upstream, all Oregon municipalities which discharge effluents into the main Columbia River now have primary treatment and chlorination which is adequate to preserve the quality of that major interstate stream. Likewise, Oregon cities on the Snake River now have at least primary treatment and chlorination.

Since 1946 the residents of Oregon have spent in excess of \$100 million for construction of new or improved sewerage works projects. During each of the past 2 years, new records have been set in the value of contracts awarded for such projects. During 1963 great strides have been made in catching up on the backlog of needed sewerage works. Of the 57 projects for some 212,000 persons which were on the authority's list of needs for abatement of water pollution at the beginning of 1963, 27 are already under construction or scheduled to be started before next spring. Preliminary planning for another 11 has been completed or is underway.

The Federal construction grant program administered under Public Law 84-660 by the U.S. Public Health Service has been of real assistance in promoting construction of municipal sewage treatment works in Oregon. In fact, without such assistance several of our communities would have been unable to finance their projects.

During the past 10 or more years, Oregon industry has likewise made significant progress in the abatement of its share of water pollution. A good example is the pulp and paper industry. Pursuant to orders entered by the authority in 1950, pulpmills in the Willamette Basin since 1952 have all been operating special facilities for the treatment and disposal of their wastes during the period of critical streamflow.

In order to meet the State's minimum water quality standards for the Willamette and several other streams further reductions in the pollution loads, particularly in the oxygen demand and suspended solids content, of the effluents from certain pulp and paper mills, fruit- and vegetable-processing plants and miscellaneous industries are still required. We are confident, however, that all the industries concerned will cooperate fully in providing the necessary improvements.

As a result of the installation of sewage and waste treatment works by our cities and industries, the quality of Oregon's waters in recent years has been greatly improved. In the lower Willamette River, for example, it is now possible to maintain on a year-round basis enough dissolved oxygen to support fish-life.

Tables indicating progress which has been made are appended.

This brief review should serve to indicate Oregon's awareness of the problems to which S. 649 is directed. We wish to assist this committee in every practical manner. We believe, with some amendments, S. 649 could be a desirable addition to the Federal pollution control statutes. As presently constituted, however, we believe the bill has objectionable features. Specifically, those are sections 2 and 5.

Section 2 would create within the Department of Health, Education, and Welfare a new Federal Water Pollution Control Administration, presumably to be headed by a new Assistant Secretary, also authorized by the bill, and transfer water pollution control activities, presently the responsibility of the Public Health Service, to this new Administration. We do not see the necessity for this administrative change.

The first permanent Federal water pollution control law did not come into existence until 1956. In its present amended and strengthened form it has been in existence only since 1961. During this time the responsibility for conducting water pollution control activities at the Federal level and for enforcing and carrying out the provisions of the law have been wasted in the Public Health Service.

From our experience in Oregon and our observation of activity in other Columbia Basin States, we believe the Public Health Service has performed in a most commendable manner. While its program has been in operation for only a relatively short period of time, it has accomplished much in the abatement and control of pollution in our Nation's waters. We do not believe any other single agency or separate administration could have done more in the same period of time. While the service's most noteworthy accomplishments, particularly insofar as enforcement is concerned, have probably been in the Missouri Basin, its activities in the Pacific Northwest deserve further mention.

Pursuant to its responsibilities and authority under section 8 of the existing Federal law, the Public Health Service in 1958 responded immediately to requests from Oregon and Washington for assistance in dealing with an extremely complex problem of bacterial slimes in the lower Columbia River. More recently, at the request of the State of Washington, it immediately scheduled a conference and has since undertaken a detailed study of the problems of wood products manufacturing pollution in the waters of Puget Sound.

With regard to enforcement activities, it is our opinion that the Public Health Service has been more than sufficiently aggressive. On its own initiative it has scheduled for next January a conference regarding alleged pollution in the lower Snake River near Lewiston, Idaho. This, of course, may be interpreted as one example which could and would be handled satisfactorily by the pollution control agencies of the States concerned without the necessity of Federal intervention.

Under existing Federal law, the Public Health Service has developed a very competent staff of engineers and other scientists in its basin office in Portland. This staff is presently engaged in the development of a comprehensive program for pollution control and abatement in all waters of the Columbia Basin, including those in our coastal drainages. An introductory report on this particular project is contained in the Public Health Service, region IX, publication issued March 1961.

The Portland office of the Public Health Service reviews all proposed Federal water resource projects and advises appropriate Federal agencies regarding the need for inclusion of adequate storage capacity for municipal and industrial water supply purposes and for water quality control. Presently the staff is conducting special studies of the Willamette River system and has installed two automatic water quality monitoring stations in that river basin as a part of its program for assisting the State of Oregon in the abatement and control of pollution on this major tributary of the Columbia River.

We believe that these and many other activities and accomplishments in Oregon and elsewhere indicate that the Public Health Service is doing a commendable job in carrying out provisions of the Federal Water Pollution Control Act. The transfer of responsibilities to a new and separate administration at this time could very well hinder rather than improve the program.

We are opposed to section 5 of S. 649 in its present form. This section, as written, would amend existing Federal law by authorizing the Secretary of Health, Education, and Welfare to almost unilaterally promulgate and enforce standards of water quality for all interstate or navigable waters. A reading of the bill indicates such authority could be applied to practically all public waters within the State of Oregon. We call your attention to section 5(c) (5) which reads as follows:

"(5) The discharge of matter into such interstate waters, which reduces the quality of such waters below the water quality standards promulgated by the Secretary pursuant to paragraph (4) of this subsection * * * (*whether the matter causing or contributing to such reduction is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters*), is subject to abatement in accordance with the provisions of this section." [Emphasis supplied].

In view of this, the following subsection, which is apparently designed to limit Federal jurisdiction, appears meaningless.

We believe application of this section 5 would constitute a usurpation of the powers and authority of the State of Oregon and that it is contrary to the public policy set forth in section 1 of Public Law 84-660 whereby Congress declares it to be its policy " * * * to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution." * * * Subsection (b) of section 1, Public Law 84-660, contains the following language: "(b) Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect

to the waters (including boundary waters) of such States." S. 649 does not eliminate these provisions of existing law.

Despite assurances to the contrary, we are also concerned that authority granted the Secretary under section 5 could prejudice holders of water rights in Oregon and other States.

For example, an irrigation district which has been operating effectively for many years in accordance with State law could conceivably discharged return flows that were of a quality below established standards, yet such return flows would not necessarily be damaging to any downstream user. Abatement proceedings, if instituted during an irrigation season, could cause serious inconvenience and economic loss to the State and region.

As the committee is undoubtedly aware, Oregon's water code is one of the most comprehensive and forward looking in the Nation. Under this code, there is a continuing study of the State's water resources. Plans for conserving and augmenting these resources have been developed. Under Oregon law the following are recognized as beneficial public uses of water: Domestic, municipal, irrigation, power development, industrial, mining, recreation, wildlife, fishlife, and pollution abatement. Only when such uses may be found in mutually exclusive conflict, human consumption and livestock uses have priority. Otherwise, all are equal.

The State water resources board, which administers the Oregon Water Code, has systematically classified Oregon waters, and has completed establishment of programs for water use in the majority of the State's drainage basins, covering more than two-thirds of the land area of Oregon. Significantly, the board has consistently held that our waters are too valuable for other purposes to permit granting of rights for pollution abatement in lieu of adequate treatment, even though such use is permitted under State law. Once established, the board's programs are binding upon all State agencies.

We have found that present and future water requirements vary widely as to use between tributaries of a stream or between different parts of the main stem. For example, the headwaters or certain tributaries may be classified for recreation and compatible uses, other parts of the stream for power, irrigation, municipal, industrial, or other uses. We strongly believe that determinations of use are necessary before detailed standards of quality can be established on a practical basis. Therefore, it would appear unfeasible for the Federal Government to establish such standards. We urge the committee to consider the cost of investigations and studies of the type outlined above. Only through a procedure of this kind can full consideration be given to local needs and desires.

As an alternative to the existing language of section 5, we recommend adoption of the amendment proposed by the Interstate Conference on Water Problems which will be presented for the committee's consideration by a representative of that organization.

We also strongly urge the adoption of language which will make it abundantly clear that Congress has no desire to permit the Secretary to interfere with uses of water for which rights have been, or will be, obtained under State law.

We have previously expressed support for expanded research in the field of water supply and pollution control. We recognize that pollution problems must be attacked and solved, thus we find highly desirable that portion of S. 649, which provides a means whereby improved methods of controlling wastes from combined storm and sanitary sewers may be determined. We have also previously endorsed language similar to that which provides for an increase in the maximum construction grants available to individual communities and metropolitan area projects, even though this new feature would have relatively little application in Oregon. Total funds allocated to this State, for construction grants annually, is about \$1,250,000. Thus, it may be seen that one eligible project costing approximately \$3,333,000 would use up most of the Federal allocation for 1 year. The increased grant authorization for metropolitan area projects should be of great value in other areas but no projects of this magnitude are foreseen in Oregon at the present time.

We find section 12, dealing with the problem of synthetic detergents, to be an admirable approach and one which is in the spirit of the existing Water Pollution Control Act whereby all parties at interest are assured a voice in the recommendatory process.

While we object to certain features of the bill under discussion, we recognize the continuing need for effort on the part of all concerned to eliminate pollution. Continued progress and well-being of our State and Nation depends on an adequate supply of usable water for all beneficial purposes. It is in this spirit we have suggested amendments to S. 649.

We are hopeful that answers to current pollution problems may be found in the near future. Some of these answers will no doubt be supplied by research to be conducted at the new Pacific Northwest Water Laboratory, presently under construction at Corvallis, Oreg. We are honored that this facility is being established in our State, and believe it a tribute to Oregon's pollution control program, as well as to his individual qualifications, that Curtiss M. Everts, Jr., former director of the Oregon State Sanitary Authority, has been chosen to head up this important Federal effort.

In the State of Oregon, we are extremely fortunate in having many waters that have not been adversely affected by industrial, agricultural, or domestic development. Consequently, such waters are of the highest possible quality. We wish to safeguard these priceless assets, and are confident that if we can continue to receive in the future the same kind of cooperation that we have received in the past from the public, industry, and the Federal Government, we shall be able to do so.

TABLE I.—*Summary of sewage treatment plant construction in Oregon, 1946-63*

| Year | Sewage treatment plant projects completed during the year | | | Plants abandoned | Plants operating at end of year | Population served by treatment plants | Percent of sewered population |
|-------------------------|---|------------------|------------------|------------------|---------------------------------|---------------------------------------|-------------------------------|
| | New | Replace- ment | Improve- ment | | | | |
| 1946..... | 1 | 0 | 0 | 4 | 82 | 134,000 | 21.7 |
| 1947..... | 5 | 1 | 0 | 0 | 87 | 140,000 | 22.5 |
| 1948..... | 5 | 0 | 1 | 1 | 91 | 145,600 | 23.2 |
| 1949..... | 7 | 1 | 0 | 2 | 96 | 156,700 | 24.4 |
| 1950..... | 7 | 0 | 0 | 8 | 95 | 169,700 | 25.8 |
| 1951..... | 8 | 3 | 0 | 1 | 102 | 248,000 | 33.8 |
| 1952..... | 12 | 2 | 2 | 3 | 111 | 318,000 | 39.8 |
| 1953..... | 6 | 2 | 1 | 0 | 117 | 548,000 | 68.3 |
| 1954..... | 13 | 0 | 2 | 3 | 127 | 636,900 | 79.4 |
| 1955..... | 10 | 3 | 1 | 0 | 137 | 747,700 | 92.8 |
| 1956..... | 14 | 1 | 0 | 2 | 149 | 765,000 | 93.0 |
| 1957..... | 11 | 1 | 1 | 1 | 159 | 770,000 | 93.2 |
| 1958..... | 12 | 3 | 6 | 2 | 169 | 810,000 | 93.0 |
| 1959..... | 11 | 1 | 5 | 1 | 179 | 835,000 | 93.5 |
| 1960..... | 14 | 3 | 5 | 3 | 190 | 901,500 | 95.3 |
| 1961..... | 12 | 1 | 5 | 5 | 197 | 920,175 | 96.1 |
| 1962..... | 8 | 1 | 7 | 6 | 199 | 936,000 | 96.2 |
| 1963 ¹ | 9 | 3 | 8 | 4 | 204 | 940,000 | 96.3 |
| Total..... | 165 | 26 | 44 | 46 | ----- | ----- | ----- |

¹ As of November.

TABLE II.—*Sewerage works contracts awarded per year in Oregon, 1946-63*

| Year | Sanitary sewer systems | Interceptors, outfalls, and lift stations | Sewage treatment works | Total |
|----------------------|------------------------|---|------------------------|------------|
| 1946..... | \$491,589 | \$97,998 | \$200,480 | \$790,067 |
| 1947..... | 811,394 | 578,702 | 299,395 | 1,689,491 |
| 1948..... | 1,571,762 | 1,395,705 | 856,452 | 3,823,919 |
| 1949..... | 782,067 | 4,836,740 | 1,237,951 | 6,856,758 |
| 1950..... | 1,634,359 | 3,408,953 | 1,323,805 | 6,367,117 |
| 1951..... | 984,951 | 3,604,435 | 975,459 | 5,564,845 |
| 1952..... | 893,198 | 1,017,102 | 2,759,209 | 4,669,509 |
| 1953..... | 709,697 | 2,843,841 | 1,125,576 | 4,679,114 |
| 1954..... | 844,657 | 807,299 | 999,382 | 2,651,338 |
| 1955..... | 2,167,719 | 170,010 | 700,594 | 3,038,323 |
| 1956..... | 1,632,380 | 200,558 | 575,438 | 2,408,376 |
| 1957..... | 1,198,955 | 1,115,607 | 1,135,487 | 3,450,049 |
| 1958..... | 3,759,273 | 1,098,662 | 1,666,282 | 6,524,217 |
| 1959..... | 3,619,474 | 345,807 | 1,881,841 | 5,847,122 |
| 1960..... | 5,058,204 | 1,971,493 | 1,294,238 | 8,323,935 |
| 1961..... | 2,464,506 | 3,462,667 | 1,232,800 | 7,159,973 |
| 1962..... | 4,555,787 | 2,778,592 | 1,682,020 | 9,016,399 |
| 1963 (9 months)..... | 3,712,895 | 2,152,433 | 4,931,119 | 10,796,447 |
| Total..... | 36,892,867 | 31,886,604 | 24,877,528 | 93,656,999 |

TABLE III.—*Summary of progress made during 1963 in planning and constructing needed sewerage works projects in Oregon*

| Type of project needed and extent of progress made | Projects needed at beginning of 1963 | | Progress made during 1963 | |
|---|--------------------------------------|--------------------|---------------------------|--------------------|
| | Number of projects | Present population | Number of projects | Present population |
| I. Improvements to existing secondary plants..... | 16 | 46,892 | | |
| (a) Placed under construction..... | | | 5 | 18,988 |
| (b) Scheduled for early construction..... | | | 6 | 20,664 |
| (c) Preliminary engineering study completed or started..... | | | 4 | 7,040 |
| (d) No significant progress..... | | | 1 | 200 |
| Subtotal..... | | | 16 | 46,892 |
| II. Improvements to existing primary plants..... | 24 | 133,060 | | |
| (a) Placed under construction..... | | | 7 | 72,759 |
| (b) Scheduled for early construction..... | | | 3 | 2,866 |
| (c) Preliminary engineering study completed or started..... | | | 3 | 20,311 |
| (d) No significant progress..... | | | 11 | 37,124 |
| Subtotal..... | | | 24 | 133,060 |
| III. Plants for existing untreated outfalls..... | 17 | 31,550 | | |
| (a) Placed under construction..... | | | 2 | 9,090 |
| (b) Scheduled for early construction..... | | | 4 | 1,771 |
| (c) Preliminary engineering study completed or started..... | | | 4 | 6,473 |
| (d) No significant progress..... | | | 7 | 14,216 |
| Subtotal..... | | | 17 | 31,550 |
| IV. Total projects needed for WPC..... | 57 | 211,502 | | |
| (a) Placed under construction..... | | | 14 | 100,837 |
| (b) Scheduled for early construction..... | | | 13 | 25,301 |
| (c) Preliminary engineering study completed or started..... | | | 11 | 33,824 |
| (d) No significant progress..... | | | 19 | 51,540 |
| Total..... | | | 57 | 211,502 |
| V. Plants and sewers for unsewered areas..... | 64 | 139,933 | | |
| (a) Placed under construction..... | | | 7 | 14,280 |
| (b) Scheduled for early construction..... | | | 9 | 24,338 |
| (c) Preliminary engineering study completed or started..... | | | 19 | 70,787 |
| (d) No significant progress..... | | | 29 | 30,528 |
| Subtotal..... | | | 64 | 139,933 |
| VI. Total of all projects needed..... | 121 | 351,435 | | |
| (a) Placed under construction..... | | | 21 | 115,117 |
| (b) Scheduled for early construction..... | | | 22 | 49,639 |
| (c) Preliminary engineering study completed or started..... | | | 30 | 104,611 |
| (d) No significant progress..... | | | 48 | 82,068 |
| Total..... | | | 121 | 351,435 |

TABLE IV.—Summary of dissolved oxygen data for the Willamette River,¹ 1953–63

| Year | Minimum DO ² recorded during year | Lowest monthly average DO ² | Median low DO ² during July, August, and September |
|------|--|--|---|
| 1953 | 0.7 | 1.5 | 2.0 |
| 1954 | 2.7 | 2.9 | 3.8 |
| 1955 | 2.2 | 3.0 | 3.3 |
| 1956 | 2.5 | 3.0 | 3.7 |
| 1957 | .6 | 1.5 | 2.0 |
| 1958 | 1.8 | 3.4 | 4.2 |
| 1959 | 1.5 | 2.9 | 4.8 |
| 1960 | 3.0 | 3.6 | 4.1 |
| 1961 | 1.8 | 2.6 | 2.9 |
| 1962 | 2.7 | 3.6 | 3.8 |
| 1963 | 2.0 | 3.0 | 3.4 |

¹ Based on daily monitoring surveys conducted by the Oregon State Sanitary Authority.
² Dissolved oxygen.

LANSING, MICH., *January 15, 1965.*

Senator EDMUND S. MUSKIE,
Senate Office Building, Washington, D.C.:

Since reports reaching us indicate very early hearings on S. 4 and that provisions of section 5 of S. 649, 88th Congress, are contained therein, we take this means to acquaint you with our deep concern with that section. Those provisions for setting and enforcing water quality standards by the Federal agency ousts the States from their established jurisdiction and conflicts with policy declarations in section I of the present act. Primary responsibility for adoption and enforcement of standards should remain with State agencies. Standards, if necessary, to achieve pollution control in interstate waters can be developed and administered more effectively as a joint Federal-State endeavor under the comprehensive planning procedure authorized by section 2 of the present act than by the proposed amendment.

LORING F. OEMING,
Executive Secretary, Michigan Water Resources Committee.

AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., January 21, 1965.

Hon. PAT McNAMARA,
Chairman, Senate Committee on Public Works,
U.S. Senate, Washington, D.C.

DEAR SENATOR McNAMARA: On behalf of the American Federation of Labor and Congress of Industrial Organizations I wish to set forth our support of S. 4, the Water Quality Act of 1965.

I request that this letter be made a part of the record of the recently concluded hearings before your committee on this legislation.

S. 4 is basically identical to S. 649 of the 88th Congress which was approved by the Senate but did not receive House action. However, two sections which appeared in S. 649 but are not in S. 4 are (1) to secure control of pollution from Federal installations, and (2) establishing a technical committee to evaluate progress in abating pollution from commercial detergents, together with a report and recommendation as to how best this source of pollution can be abated.

It is our understanding that special legislation will be introduced to deal with each of the two situations listed above.

The AFL-CIO endorses the proposals of S. 4 as constituting another vitally needed step that should be taken toward the goal of assuring the American people adequate supplies of clean water for all human uses in the years to come.

The record will show that organized labor has, over a period of many years, continually supported Federal legislation which would accelerate the cleaning up of this Nation's rivers, streams, lakes, and estuaries.

We were in strong support of S. 649 during the 88th Congress, both in the House and in the Senate.

While the 1956 and 1961 amendments to the Water Pollution Control Act have provided needed stimulus to localities, to build sewage treatment works, the Federal program is still inadequate, both as to the amount of Federal grants-in-aid and in the lack of the establishment of Federal standards of water quality as applicable to interstate waters and portions of interstate waters.

Another problem of water pollution which the present act does not cover is found in more than 1,900 communities, with a total population of nearly 40 million people, which are served by combined sewer systems, carrying not only sewage but storm runoff waters. The inability of such systems to handle both burdens results in enormous amounts of raw sewage dumped into streams and rivers and carried downstream to the people below. We are happy that S. 4 will provide authorization for research and development grants to demonstrate new and improved methods for communities to employ in eradicating this problem. This part of the total program would call for \$20 million a year for the remainder of this fiscal year and for the next 3 fiscal years.

We also endorse that provision of S. 4 which would assist larger communities to deal with their waste treatment problems by increasing the ceiling on Federal grants-in-aid from \$600,000 to \$1 million for individual projects and from \$2,400,000 to \$4 million for projects which may be undertaken jointly by several communities.

We particularly support the enforcement provision of S. 4 which directs the Secretary of Health, Education, and Welfare to establish standards of water quality applicable to various navigable waters and to relate them to effluents discharged directly into such waters, with the power of abatement.

The proposal to place the Federal water pollution control program under a new Federal Water Pollution Control Administration in the Office of the Secretary of Health, Education, and Welfare, reflects the general consensus developed over the past several years that water pollution problems should be considered not merely in terms of the creation of health hazards, but in the broader aspect of achieving the optimum amounts of clean water for the people of this Nation in the future.

We hope that enactment of this administrative change will not mean merely the establishment of another bureau, but instead will signalize the acceleration of a vigorous, coordinated, and broad-gaged Federal program to attack the pollution of our waters wherever it may be found.

Sincerely yours,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

JEFFERSON CITY, Mo., January 14, 1965.

Senator EDMUND S. MUSKIE,
Senate Office Building,
Washington, D.C.:

Missouri State Chamber of Commerce membership strongly opposes S. 4 re Federal water pollution control for the following reasons:

- (1) Federal control costly and time consuming.
- (2) Regulation of stream use more effective at the State level.
- (3) Standards established at the Federal level could result in greater contamination than presently permitted in Missouri.
- (4) Pollution control in Missouri presently adequate and satisfactory.

Sincerely,

LAWRENCE A. SCHNEIDER,
Executive Vice President, Missouri State Chamber of Commerce.

ALABAMA WATER IMPROVEMENT COMMISSION,
Montgomery, Ala., January 12, 1965.

Senator EDMUND S. MUSKIE,
Chairman, Special Subcommittee on Air and Water Pollution,
U.S. Senate, Washington, D.C.:

Understand you and others have introduced a water pollution control bill (S. 4) this Congress and this bill will be heard about January 18. We further understand S. 4 is essentially the same as S. 649 introduced in the last Congress

except for provisions relating to detergents and permits for Federal installations. Position of the Alabama Water Improvement Commission is the same as expressed in a statement presented to the House Committee on Public Works December 10, 1963, on S. 649. A copy of this statement is being sent to you.

IRA L. MYERS, *Chairman.*

STATEMENT OF CLAUDE D. KELLEY, VICE CHAIRMAN, ALABAMA WATER
IMPROVEMENT COMMISSION

(Presented to the House Committee on Public Works on S. 649 and related bills,
December 10, 1963)

Mr. Chairman and members of the Committee on Public Works, I am Claude D. Kelley, director of conservation for Alabama and vice chairman of the Alabama Water Improvement Commission, the agency of our State having statutory authority for the control of water pollution. Thank you for the privilege of appearing before you in my capacity as vice chairman of the Alabama Water Improvement Commission and stating the position of the commission with respect to amendments to the Federal Water Pollution Control Act as contained in act S. 649 and related bills.

The commission opposes amendments to the Federal Water Pollution Control Act contained in S. 649 which would—

1. Establish a Federal Water Pollution Control Administration within the Department of Health, Education, and Welfare having specific administrative responsibilities delegated to it.

2. Authorize the Secretary of Health, Education, and Welfare to establish standards of water quality for interstate waters and to secure abatement of violations of these standards under enforcement procedures provided in the act.

3. Authorize and direct the Secretary of Health, Education, and Welfare to utilize the enforcement powers of the Federal Government to abate pollution of interstate or navigable waters which prevents shellfish from being marketed in interstate commerce.

Our commission recognizes that the status of the Federal water pollution control program should be upgraded and that strong administrative leadership for the Federal Government's activities in this area is necessary. This leadership must be supported by knowledge gained through experience and training in the complex and specialized fields of water pollution control and water quality requirements for all useful purposes. This knowledge is available at the national level within the Public Health Service. Throughout the years, the Federal Government has relied upon the Public Health Service for the administration of national programs for water quality improvement through pollution control. These responsibilities have resulted in the development of a professional staff within the Public Health Service whose qualifications in the field of water quality protection are without equal in other branches of the Federal Government. These special qualifications are not limited solely to the protection of health as they cover all aspects of water quality and water pollution related to the public welfare.

The success of Federal-State programs depends upon a close relationship between the parties involved and a mutual understanding of the problems and responsibilities of each. This relationship and understanding between the Public Health Service and our commission has contributed materially to the success of joint efforts in water pollution control within Alabama.

We, along with many other agencies and organizations, unsuccessfully opposed the 1961 amendments to the Federal Water Pollution Control Act which transferred responsibility for administering the act from the Surgeon General of the Public Health Service to the Secretary of Health, Education, and Welfare. Our opposition was based on the possibility of the Public Health Service being completely removed from participation in the water pollution control efforts of the Federal Government. It should be noted that neither Mr. Ribicoff nor Mr. Celebrezze, who presently holds this office, has seen fit to remove the major responsibilities for water pollution control from the Public Health Service.

We recommend that the Congress upgrade the status of the Federal water pollution control program within the framework of the Public Health Service rather than pass legislation which could result in the removal of this agency from the water pollution control efforts of the Nation.

In the Federal Water Pollution Control Act, as amended, the Congress declared its intent to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution. We contend that the establishment of conditions under which wastes may be discharged is a primary responsibility and right of the States. These decisions and those with respect to water quality protection should be made only with a full knowledge of local conditions and by those in a position to have this knowledge. Natural water quality and water quality requirements for beneficial uses vary from State to State and within an individual State. The problem of setting practical water quality standards to cover all conditions is so complex that some States, including Alabama, have preferred to consider waste discharges individually and on the merits of the particular case.

S. 649 would authorize the Secretary of Health, Education, and Welfare to establish standards of water quality for interstate waters on his own determination in the event standards established by the affected States or interstate agencies were not consistent with his views. These standards could also be applied to tributaries of interstate waters. Furthermore, S. 649 would authorize the Secretary to apply his enforcement powers to violations of the standards he has set. In effect, the Secretary would have the ultimate power to establish and enforce standards of water quality for interstate waters and tributaries thereto regardless of the position a State or States might take in the matter. The establishment of Federal water quality standards for interstate waters, and tributaries thereto, could result in two different sets of standards for a State—one for interstate waters and one for intrastate waters—thereby creating serious administrative problems.

We believe that the enforcement powers granted to the Federal Government by present law are fully adequate to effectively control pollution of interstate waters. Many conferences have been held over the Nation under the enforcement provisions of this law. Alabama has been a party to two of these conferences which, we feel, served useful purposes. I might add that Alabama did not request either of these conferences. One was called at the request of a State receiving waters from Alabama and the other on the initiative of the Secretary involving waters entering our State.

The provisions of S. 649 which authorize Federal standards of water quality are not in the interests of Alabama and, in our opinion, not consistent with the policy of the Congress to preserve and protect the primary responsibilities and rights of States in controlling water pollution. We therefore recommend that power to establish standards of water quality not be granted to the Federal Government.

The granting of authority to the Secretary of Health, Education, and Welfare to institute enforcement proceedings on his own initiative to abate pollution of interstate or navigable waters which prevents the marketing of shellfish in interstate commerce would have far-reaching effects. It would further dilute State control over matters of local concern and represents a new approach to the control of water pollution by introducing interstate commerce as a factor. Health protection is the principal responsibility of water pollution control and public health agencies and, under no conditions, should be made secondary to the economic interests of a specific industry. There are areas in Alabama where shellfish can be produced but which cannot be approved for the harvesting of shellfish for sale under standards established for health protection. These areas are those within the immediate vicinity of discharges from highly efficient sewage treatment plants and those receiving surface drainage from heavily populated regions. It has been demonstrated in our State through comprehensive and long-term laboratory studies that floodwaters alone carry a bacteria load derived from surface runoff which is in excess of the permissible limit for harvesting shellfish. Under the provisions of S. 649, the Secretary could initiate enforcement proceedings in situations as I have described although every effort to control pollution from manmade sources has been exerted. We oppose these provisions for this reason and because they are not, in our opinion, in agreement with the expressed intent of the Congress.

In the foregoing part of this statement, our opposition to certain provisions of S. 649 has been expressed. However, we feel that other provisions of this bill are constructive and, with minor revisions, would improve the Federal Water Pollution Control Act. I refer specifically to sections which pertain to the following:

1. A permit system whereby a permit from the Secretary of Health, Education, and Welfare would be required for the discharge of wastes from Federal installations.

2. Increases in the maximum limits for Federal construction grants.

So far as we know, there is no existing law under which Federal installations are required to secure permission for the discharge of wastes. Legislation which provides controls over these sources of pollution is definitely needed. We do feel that Federal installations should be subject to the same requirements as other sources of wastes within the same locality. We therefore recommend that this legislation provide that a permit issued by the Secretary conform to the policies of the State involved.

We can support the measure increasing the maximum limits of Federal construction grants from \$600,000 to \$1 million for a single municipality and from \$2,400,000 to \$4 million for a project involving two or more municipalities provided the appropriations for the construction grant program are increased in proportion. If the maximum limits are increased without corresponding increases in appropriations, Alabama's annual allotment of approximately \$2 million could be devoted to two municipalities in the event eligible applications were filed for maximum grants.

I appreciate and thank you for the opportunity to express the views of the Alabama Water Improvement Commission on S. 649 and related legislation.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, D.C., January 21, 1965.

HON. EDMUND S. MUSKIE,
*Chairman, Special Subcommittee on Air and Water Pollution,
Senate Committee on Public Works,
Washington, D.C.*

DEAR SENATOR MUSKIE: On the occasion of the Senate Committee on Public Works' hearing of S. 4, a bill to establish a national policy for the prevention of water pollution, it is my privilege to advise the committee of the success being experienced by the Federal Government's participation in this field of governmental responsibility.

Within the past 4 months, the staff of the National Association of Counties have made field trips to approximately 60 localities throughout the country to investigate the local water pollution control programs. The communities visited were representative of virtually every size and type of program being carried out by local government to prevent and abate water pollution. With few exceptions, the Federal Government's support of these local programs has played a significant, if not major role in assuring their success.

Another result of our study indicates an increased awareness on the part of local officials as to the problems and a determination to increase their own efforts. We urge the Federal Government to similarly increase their activities, in order to assist the local effort.

I respectfully request this letter be made a part of the committee's record and to include the following sections of the "American County Platform," the official policy statement of the National Association of Counties. These sections refer to our position on water pollution and are extremely relevant to the subject you are considering in S. 4.

"10-1. *Stream pollution.*—Water pollution is often of an interstate nature and quite beyond the economic capacity of local governments to control. Therefore, we believe that there is justification for Federal assistance to counties and other local agencies in the construction of local sewage treatment facilities and we strongly recommend that the Congress and the Federal administration make available sufficient funds to implement this part of the Water Pollution Control Act.

"10-2. *Water supply and pollution control.*—The National Association of Counties recommends that Congress amend existing Federal legislation (a) to permit counties and other local units of government of 50,000 population or more to qualify for sewer and water public facility loans; (b) to effectively permit deferral of interest payments of such loans for projects planned to meet future growth needs; (c) to strengthen FHA authority to discourage use of individual wells and septic tanks in urban areas where public or community water and sewage systems are feasible and provide insurance for site preparation and development, including cost of waterlines and sewer systems; and (d) to increase current ceilings on individual grants-in-aid for the construction of county and municipal sewage treatment facilities and provide financial incentives for projects consistent with urban development plans for the area.

"We recommend that the President direct the Federal departments and agencies to evaluate present enforcement powers and incentives to control industrial pollution and to fully consider urban needs in future water resources planning and development activities.

"We recommend that the States (a) make a State agency responsible for overall State water resources planning and program coordination; (b) enact legislation to permit States singly or jointly to control pollution of rivers or streams; (c) endow State and local agencies with effective regulatory authority over individual wells and septic tank installation; and (d) provide State grants to supplement Federal aid under the Federal Water Pollution Act.

"10-3. *National water pollution control program.*—The National Association of Counties strongly recommends to the Secretary of the Department of Health, Education, and Welfare that the national water pollution control be upgraded to a status within his Department commensurate with its responsibilities."

Very truly yours,

EDWIN G. MICHAELIAN, *President.*

THE COUNCIL OF STATE GOVERNMENTS,
Washington, D.C., January 14, 1965.

Hon. EDMUND S. MUSKIE,
Chairman, Special Subcommittee on Air and Water Pollution, Committee on Public Works, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: It is our understanding that the Special Subcommittee on Air and Water Pollution will hold a hearing January 25 on S. 4, the proposed Water Quality Act of 1965. On behalf of the Policy Committee of the Interstate Conference on Water Problems, we should like to request that this letter be made a part of the record.

As you know, the Interstate Conference on Water Problems is a national organization of State officials concerned with all aspects of water use, conservative, development, and administration. Obviously, water quality control is an important element in the success of programs designed to promote development, conservation, and use of our water resources.

The Interstate Conference on Water Problems has on many occasions endorsed the principle of water pollution control. For this reason, it is pleased to observe the interest shown in water pollution abatement by the sponsors of S. 4. It is, however, fearful that certain provisions of S. 4 may not contribute toward that end. Indeed they may make its accomplishment more difficult of attainment.

In testifying last year on legislation similar to S. 4, it was pointed out in the statement of the interstate conference that conferring the power to fix water quality standards on the Secretary of Health, Education, and Welfare would have the effect of shifting complete control over water use from the States to the Federal Government. The standards having been set by the Secretary, State and local authorities would be faced with a fait accompli as to the value and use of their water. This would be done without reference to any State, local, or regional plans for the industrial, agricultural, or resort character of the area. Local and State people would be permitted to play no more than an advisory role in determining which of their waters they prefer to employ for water supply, occupational, or recreational purposes.

We doubt that Congress intends by this legislation to repeal sub silentio the declaration in the Water Pollution Control Act that the role of the States in pollution abatement is primary. Yet section 5 of S. 4, in conjunction with the enforcement sections of the act, and given the constitutional primacy of Federal action, would achieve this result.

In our view, the objective of Congress should be to encourage the States and interstate pollution control agencies to step up their efforts to develop and implement more adequate water quality and effluent standards. We feel that, at the least, the enactment of section 5 will discourage such efforts. We urge the subcommittee to review this section and to amend it to accomplish the objective of encouraging the States and interstate agencies to act more effectively.

We were somewhat surprised to observe the deletion from this year's bill of reference to pollution from Federal installations. However, we were pleased to learn from the chairman's statement that the interest of the sponsors in this

matter continues. At a time when it is proposed to supersede State and interstate efforts on the ground that they may be inadequate in certain instances, it would seem to be appropriate that Congress give much greater heed to the abatement of pollution from Federal installations. We believe, however, that the appropriate course is to consider the procedures by which pollution from Federal installations will be abated as an integral part of S. 4, the bill which deals in comprehensive fashion with the Federal role.

In conclusion, Mr. Chairman, we should like to assure you again of the significance the interstate conference on water problems attaches to this legislation. We are in complete sympathy with its objectives. We should like to offer you our fullest cooperation in its improvement.

Thank you for receiving this statement of the position on S. 4 of the Interstate Conference on Water Problems.

Yours very truly,

CHARLES F. SCHWAN, Jr.
(For the Secretariat).

AMERICAN MEDICAL ASSOCIATION,
Chicago, Ill., January 18, 1965.

Hon. EDMUND S. MUSKIE,
Chairman Special Subcommittee on Air and Water Pollution,
Committee on Public Works,
U.S. Senate, Washington, D.C.

DEAR SENATOR MUSKIE: On behalf of the American Medical Association, I would like to take this opportunity to submit for your consideration our views on S. 4, 89th Congress, a bill to amend the Federal Water Pollution Control Act.

The American Medical Association has supported constructive legislative measures which give promise of conserving and restoring the Nation's water supply. Our interest is understandable since nearly half our population depends on surface waters for drinking purposes.

Water pollution, in our opinion, is primarily a health problem, since the necessity for insuring an adequate supply of pure water is based on human needs. We also fully recognize that water quality is a principal concern of such other interests as recreation, industry, and reclamation.

Since the health aspects of pollution control will remain dominant in the years ahead because of the biological characteristics of the ever-increasing number of water pollutants, we believe the Public Health Service is the proper agency to supervise the control of water pollution. We are constrained, therefore, to voice our strongest possible opposition to section 2 of S. 4, which would remove this responsibility from the Public Health Service and establish a separate Water Pollution Control Administration.

The establishment of a separate Water Pollution Control Administration cannot, of itself, result in more of an improvement in water pollution control than is presently obtained. While it may be argued that in time the proposed new agency may hopefully reach the degree of efficiency now employed by the Public Health Service, what will have been achieved that does not already exist?

For some 53 years, since 1912, the Public Health Service has been engaged with problems of water quality and supply. As a result, typhoid fever, cholera, and other waterborne diseases are no longer a threat in this country. During this period, through research, surveys, and planning, much valuable experience has been gained. Cooperative relationships with other Federal agencies, with State and local bodies concerned with water quality, and with industry have been developed. In short, the Public Health Service has been able to develop comprehensive programs which, with congressional support, have brought about great improvements in our water quality control programs in the recent past.

Section 2 of this bill will surely damage this rapidly emerging pattern for success by fractionalizing the program into two separate Federal agencies. Water pollution control is dependent upon the talents and skills of a number of the divisions and personnel within the Public Health Service. Splintering this program would cut the heart out of effective and efficient water pollution control efforts and would inescapably do harm to the well-being of our people.

Research would be separated from the application of its fruits. Surveys and studies which are now conducted to elicit information on a variety and number of water problems, including that of pollution, would necessarily halt, or at least be diminished in effect.

Those who favor a separate pollution control administration argue that the Public Health Service is too health oriented—that it is not cognizant of the recreational, agricultural, industrial, and other uses of water. But they offer no proof.

The proponents also argue that the Public Health Service is more scientifically oriented than enforcement minded. While this may be true, the subcommittee is aware of the success of the Public Health Service in obtaining compliance. Enforcement is important, but compliance is more desirable in a program which calls for cooperation on Federal, State and local, and industrial levels. And the compliance statistics are impressive.

Section 2 contemplates the initial staffing of the new agency. The personnel must necessarily come from the Public Health Service's Division of Water Supply and Pollution Control. There are some 1,100 persons employed in that Division, including about 370 commissioned Public Health Service officers. While there is precedent for the temporary assignment of officers, never before has such a mass transfer been contemplated. The commissioned corps of the Public Health Service are men who have sought careers in the Service and whose commissioned status insures that the transfer can only be one of a temporary nature. Since, then, these assignments must be temporary, it follows that the new agency would soon be in competition with the Public Health Service for sanitary engineers. Secretary Celebrezze, when testifying in opposition to section 2 of S. 649, 88th Congress, discussed this competition and the resulting duplication of effort. His statement to the subcommittee, reported on page 462 of the Senate hearings on S. 649, noted that—

“* * * if you are going to pull that whole thing out, you are going to cause a duplication of work in that particular area which is going to be more costly, and you are going to get into the problem that I face constantly, the competition for top qualified staff, because if you establish a new agency, you are going to have to establish a scientific environment within that new agency, you are going to have to go out and hire people on that basis, and you are just going to have a duplication.”

We recommend to the subcommittee that it review the Secretary's entire comments on section 2, which may be found on pages 462 through 465 of the Senate hearings.

The subcommittee should also review the survey conducted by the steering committee of the State and interstate water pollution control administrators. The poll of the members showed that the overwhelming majority, 46 to 3, opposed the establishment of a separate Federal Water Pollution Control Administration (Senate hearings on S. 649, 88th Cong., p. 102).

In conclusion, after careful consideration of the ramifications of this provision and of its probable deleterious effect on the Public Health Service and the health of the public, the American Medical Association respectfully urges that your subcommittee reject section 2 of S. 4, 89th Congress.

I will appreciate your arranging for this letter to be made part of the record of your hearings.

Sincerely yours,

F. J. L. BLASINGAME, M.D.,
Executive Vice President.

ILLINOIS STATE MEDICAL SOCIETY,
Chicago, Ill., January 18, 1965.

Hon. EDMUND S. MUSKIE,
Senate Office Building, Washington, D.C.

The Illinois State Medical Society opposes the provision of Senate bill 4 that would remove water pollution jurisdiction from the Public Health Service. The society also recommends modification of Senate bill 4 to provide that the water pollution control agencies of the respective States be given a voice in the preparation of criteria of water quality and an opportunity for a full and formal hearing should such State agency object to proposed Federal criteria or standards.

(Copies to Senator Douglas and Senator Dirksen.)

EDWARD A. PISZCZEK, M.D., *President.*
V. P. SIEGEL, M.D.,

Chairman, Legislative Committee.

AMERICAN PUBLIC HEALTH ASSOCIATION, INC.,
Washington, D.C., January 19, 1965.

HON. EDMUND S. MUSKIE,
Chairman, Subcommittee on Air and Water Pollution, Senate Committee on
Public Works, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: In the light of the abbreviated hearings which have been conducted on S. 4, the bill to amend the Federal Water Pollution Control Act, I take this means of apprising you of the position of the American Public Health Association as it relates to this proposal and request that you make this letter a part of the record of your subcommittee's deliberations on this bill.

The American Public Health Association has a membership in excess of 14,000 with an additional more than 25,000 members of State public health associations, persons who have dedicated their lives to the improvement of the public's health and who are employed in municipal, county, State, and Federal official and voluntary public health agencies. They include not only physicians but engineers, such as myself, and sanitarians, nurses, dentists, educators, laboratory personnel, and many others, providing a broad spectrum of responsible experience and competent leadership.

Throughout most if not all of its 92 years, the APHA has been concerned about the problems of water quality. Sixty years ago, the first edition of our "Standard Methods for the Examination of Water and Wastewater" was published. Now in its 11th edition it is, as it was then, an outstanding contribution to the protection of the public's health. More recently, in 1955 we urged Federal legislation to provide additional research on the problems of water pollution control and increased support for State water pollution control programs. In 1957 we supported full appropriations to implement Public Law 660. In 1958 we supported the approved amendments to Public Law 660 and in 1959 we urged a strengthening of all water pollution control measures in the Public Health Service. I think these few actions which I have enumerated indicate that the APHA was not satisfied with the then degree of attainment in the control of water pollution. I can state categorically that we are not now so satisfied. We cannot, however, agree with the imputations of some that there has been no progress under the present administrative arrangement nor that the Public Health Service has proven incompetent. Nor do we believe that it is valid to assume that pollution abatement can be accurately measured by the number of injunctions or court cases associated with water pollution. We firmly believe that even the conference must be viewed as a failure, in efforts to enlighten and persuade, rather than a victory in the battle against pollution. There are, as you know, a prodigious number of instances where abatement has been successfully attained since the enactment of Public Law 660, the vast majority of which were accomplished without recourse to hearings, conferences, or court action. I do not mean to imply that such recourse is undesirable. There are those instances, failures, where persuasion and education prove inadequate, and in those instances the public interest must be served. We believe that the present authority is adequate to cope with those whose selfishness infringes upon the rights of others for adequate clean water.

The guiding tenets of our association as it relates to the problems of water resources management and development were recently enumerated in a "National Water Policy Statement" approved by the executive board of the APHA only last October. They are as follows:

1. Efficient management of the waters of the United States is in the national interest. Plans for the development and use of water resources should provide for their maximum practicable utilization. They should include provisions for supplying adequate quantities of safe water for domestic, agricultural, and industrial use; protection of surface and underground waters against pollution; improvement and utilization of water to support an expanding national economy; and expansion of facilities for recreation and protection of scenic and esthetic values.

2. Planning, development, and control should be aimed at promoting local initiative, contribution, and effort; providing effective management of the resource; assuring adequate representation of the people in the area affected; and should take into account Federal and State plans and programs.

3. Metropolitan and regional bodies, the States, and Federal Government should cooperate in developing comprehensive plans and programs for river basins and subbasins. Legislation should provide incentives to encourage such cooperation.

4. Water resource planning and development must assure full protection to

the public health. Projects for water supply, flood control, power, irrigation, and navigation should be designed and managed with full participation of health authorities.

We do not believe certain sections of S. 4 to be consistent with these principles nor, in fact, to be in the best interest of this Nation's water needs. While not the sole interest in water programs, the protection of the health of this Nation's people cannot be considered other than of paramount importance. We believe this responsibility to be compatible with other water needs. We do not believe, however, that the further fragmenting of responsibility for water resource development, management, quality, or pollution control through creation of still another administrative entity would be beneficial. We are in agreement with you in your stated objective that the water pollution control program of the Public Health Service should be elevated administratively in accordance with its importance to the Nation and to the several interests which it serves. It is our belief, however, that the creation of a Federal Water Pollution Control Administration and the splintering of responsibility would serve to further the already excessive diffusion of efforts. The APHA is, therefore, opposed to the enactment of section 2 of S. 4.

We believe, as does Governor Brown of California, according to his testimony yesterday, the proposal encompassed in section 6 to be unnecessary and undesirable. There are, as you well know, a wide variety of factors which bear upon the problems of water resources, quality, and use throughout the Nation. These include, but are not restricted to, differences in rainfall, population, industrial growth and concentration, farming methods, cropping patterns, land and economic development programs, requirements for recreation and conservation, and propagation of fish, shellfish, other aquatic life, and wildlife. It is the opinion of the APHA that quality standards development and plans for water use must be developed systematically on the basis of river basins and subbasins. We support incentives which would assist in accomplishing this objective throughout the Nation, but in view of the fact that standards must of necessity vary to reflect utilization needs and be based upon the situations in the sections of the country where they exist, standards should be established by the involved local, State, or interstate authorities. As you know, adequate authority is presently provided to the Secretary of HEW to act when required in the public interest.

In short, it is the view of the APHA that pollution will not be abated by the creation of a new administrative agency. Far more essential is a considerable increase in research effort to elevate our competency to cope with the burgeoning polluting effluents which result from our Nation's ever more sophisticated industrial technology, and the appropriation of vastly increased sums of money by not only the Federal Government but by State and local governments, which tax requirement will be shared in part by our membership, to actuate the treatment facilities which are found to be necessary as the result of careful, intelligent studies of the need for pollution control measures.

Sincerely yours,

DWIGHT F. METZLER, C.E., *President.*

STATEMENT ON BEHALF OF NATIONAL ASSOCIATION OF MANUFACTURERS SUBMITTED
BY DAVID L. GALLAGHER, CHAIRMAN, AIR AND WATER RESOURCES SUBCOMMITTEE,
CONSERVATION AND MANAGEMENT OF NATURAL RESOURCES COMMITTEE

My name is David L. Gallagher, I am chairman of the air and water resources subcommittee of the conservation and management of natural resources committee of the National Association of Manufacturers, a voluntary association of business enterprises producing approximately 75 percent of the Nation's industrial output.

My background includes active roles in the Water Pollution Control Federation, the American Water Works Association, and the Water and Wastewater Equipment Manufacturers Association. I am actively engaged in the water supply and water pollution control field as marketing manager, Public Works, Worthington Corp., Harrison, N.J.

We believe that it would be a mistake to take most of the water pollution program away from the Public Health Service. Over the years, the Public Health Service has built up technical competence and sound working relationships in this field with the States and with industry. On the most recent occasion this proposal was considered by a congressional committee (hearings before

the House Public Works Committee in late 1963 and early 1964), 23 States expressed themselves in opposition to the creation of a Federal Water Pollution Control Administration. We regard this as an overwhelming weight of opinion.

Nevertheless, on September 4, 1964, the House Public Works Committee reported a bill containing such a provision. The rationale stated in the committee report was as follows:

"The committee accepted the assurances presented to it by the Department of Health, Education, and Welfare that a suitable organizational level would be provided for the water pollution control program as a consequence of its increased responsibility provided by the 1961 amendments to the act (Public Law 87-88, approved July 20, 1961). This was not implemented, however, in a satisfactory manner."

Despite this statement, the program was considerably upgraded subsequent to the 1961 amendments. Responsibility for the program was placed in the hands of a specific Assistant Secretary of Health, Education, and Welfare, James M. Quigley. The Chief of the Water Supply and Water Pollution Control Division, Gordon McCallum, was elevated to the status of Assistant Surgeon General, equivalent to the rank of a major general in the Army. The Chief Enforcement Officer, Murray Stein, functions directly under Assistant Secretary Quigley, who in turn reports directly to Secretary Celebrezze.

We are unable to see what it is that these estimable gentlemen could do with a new agency that they can't do now. They are generally regarded as intelligent and aggressive, carrying out vigorous programs in all the various aspects of water pollution control. The proposal to create a new agency would appear to be a repudiation of their records, which we do not believe is justified.

In the report of the Senate Public Works Committee on S. 649 of the 88th Congress, October 4, 1963, it is stated that "* * * the administration of the water pollution control program should not be subordinated to considerations which are important to the Public Health Service but are not directly related to the sound application of this act." This appears to be a very obscure reason since it is not made clear just what are these specific considerations "which are important to the Public Health Service but are not directly related to the sound application of this act."

The October 4, 1963, report also states as follows:

"The Public Health Service has a primary interest in the protection of health. In the field of water pollution it has made a major contribution to our understanding of the nature of water pollution, its effect on individuals, and appropriate measures of pollution control. The basic orientation of the Public Health Service, however, is toward cooperative health programs with the States. It is not oriented toward the broader problems of public welfare, including the economic and technical problems of industrial pollution."

After having made "a major contribution to our understanding of the nature of water pollution, its effect on individuals, and appropriate measures of pollution control," the Public Health Service would be poorly rewarded by having the program taken away from it.

Public health is far and away the overriding consideration in water pollution control. Ask any member of the public. The public has confidence in the Public Health Service. Over the decades of this century, many infectious diseases have been virtually stamped out and the longevity of the people has been amazingly extended. The credit for this must go to the medical profession, private pharmaceutical firms, research scientists, and State health departments working cooperatively with the Public Health Service. Fragmentation of water pollution control away from other public health programs could cause irreparable harm in terms of both public confidence and well-established working relationships. One is inevitably led to the conclusion that such a move would be widely regarded as a repudiation of the record of the Public Health Service.

Another harm to the public interest would arise by virtue of the fact that this move would set up another Federal agency to compete for the limited number of sanitary engineers and other professional, scientific, and technical personnel in this field. Departments and agencies of the various States are having difficulty maintaining their staffs of sanitary engineers. It appears that students are not enthusiastic about entering this field. Those who do frequently find service with the Federal Government more attractive than with the State governments. This should dictate the utmost efficiency in Federal utilization of sanitary engineers and related scientific and technical personnel in this field. Creation of a new agency which would artificially increase the

Federal demand for such personnel would not be efficient. It would be more efficient to concentrate all related skills in one agency rather than break them up into separate groups.

On the issue of creating a new agency, the State of Maine Water Improvement Commission stated to the House Public Works Committee:

"First of all this commission is strongly of the opinion that the administration of the Federal water pollution control program should remain with the Public Health Service. This agency is now doing an excellent job in conducting the program and it is difficult to see how an agency taking over from them could accelerate the program at all, particularly in view of organization and staffing difficulties which would follow.

"It is inconceivable that the two agencies involved (USPHS plus the proposed Water Pollution Control Administration) could operate with technical personnel even comparable in number to those who could be released to the new agency by the Public Health Service. A serious drain on all available sources would thus be created as far as this very critical category of manpower is concerned and would deal a damaging blow to State agencies, whose role in the direct and immediate activity of pollution control is indispensable. A number of years would also be required to bring such a staff to an effective level, and in the meantime the State-Federal program would suffer.

"Another reason for continuing this program under U.S. Public Health Service jurisdiction is the fact that pollution control is traditionally associated with the problems of public and environmental health and this commission feels that this association should not be severed and cannot be severed if the problems of water pollution are to remain in proper perspective."

The Utah Department of Health stated:

"Section 2 of the bill, in effect, authorizes transfer of the Federal water pollution control program out of the Public Health Service where its administration has been centered since the program inception. We believe this action would be unwise and detrimental to the sound progress of water pollution abatement and control, for reasons stated later.

"The move to take responsibility for water pollution control activities at Federal level away from the Public Health Service is, in our opinion, tantamount to proposing an unknown and untested program in place of one which has functioned smoothly, in harmony with State interests, and with substantial accomplishment. It also suggests fragmenting of costly services in such a way as to compound the problem of coordination of governmental activities which usually means unneeded cost to taxpayers."

Maryland stated:

"Maryland is opposed to S. 649, in particular, section 2, establishing a Federal Water Pollution Control Administration in the Department of Health, Education, and Welfare, and section 5, authorizing the Secretary of Health, Education, and Welfare to establish and enforce standards of water quality applicable to interstate waters or portions thereof. Such expression has been made by the Honorable J. Millard Tawes, Governor of Maryland, and is endorsed without reservation by the two Maryland regulatory agencies, the State department of health and the water pollution control commission."

Texas stated:

"Since the beginning of the current Federal water pollution control law in 1956, administration of the program has been competently carried out by the U.S. Public Health Service, and Texas has always enjoyed excellent working relationships with that agency. It is difficult to rationalize, therefore, the advantage which might be gained by any such drastic change in administration as authorized in S. 649.

"The Texas Water Pollution Control Board is seriously concerned about and is opposed to the proposal in S. 649 which would authorize the Federal Government to establish standards of water quality. This is a matter depending entirely upon State and regional circumstances and is, therefore, basically a function of State and regional agencies."

Alabama stated:

"The success of Federal-State programs depends upon a close relationship between the parties involved and a mutual understanding of the problems and responsibilities of each. This relationship and understanding between the Public Health Service and our commission has contributed materially to the success of joint efforts in water pollution control within Alabama."

New Jersey stated:

"The national problems in water pollution control are formidable and are increasing. It would appear that no real purpose could be served by abandoning the effective program already in progress under the Public Health Service in favor of a new agency not oriented to public health and not equipped with the needed medical, engineering, and biological skills and not having such experience and established relationships.

"We agree with the statement of the American Public Health Association which 'strongly supports a strengthened and unified water quality management and pollution control program at a higher organizational level within the Public Health Service in order to assure the organizational effectiveness this important program deserves.'

"The New Jersey State Department of Health, therefore, opposes the current proposal in S. 649 to remove the water pollution control program from the Public Health Service."

Tennessee stated:

"We do not believe anything will be accomplished by changing the administrative organization within the Health, Education, and Welfare Department. It appears that the present law gives the Secretary sufficient authority to reorganize or elevate the program within present organizational structures. There has not been sufficient time to find out the effectiveness of the present law. A new Water Pollution Control Administration is not needed or desired."

Mississippi stated:

"We at the Mississippi State Board of Health strongly urge continuity in the present water pollution control assistance program without change because in our opinion shifting of the water pollution control responsibility at the Federal level to a new agency would likely seriously retard the present progress being made."

Florida stated:

"Using the Senate bill as passed, we would like to state that we do not look with favor on section II, the setting up of an administrator under the Secretary of Health, Education, and Welfare. We cannot see any advantages in this type of organizational program and perhaps there are some disadvantages.

"This would be a new and unknown setup with the States since we State employees in the field of water pollution control have had, and still maintain, excellent Federal and State relations with the U.S. Public Health Service."

South Carolina stated:

"South Carolina over a long period of time has enjoyed a highly satisfactory relationship with the U.S. Public Health Service in all matters dealing with appropriate utilization of natural resources contributing to the health and welfare of the citizens of this State. We would like to see this relationship maintained and strengthened. Water resources of this State are of vital significance in the preservation of a healthful environment and will continue to be of primary importance in the field of public health. Because we feel that the removal of the water pollution control program from the U.S. Public Health Service would deprive this Health Service of competent personnel, research, and investigational facilities, which if duplicated will cost the Government additional millions of dollars, and because of the Public Health Service's understanding of this problem and its impact as it affects the economy of the States, we wish to ask your consideration of the advisability of including a statement in this bill, S. 649, naming the U.S. Public Health Service as the agency of the U.S. Department of Health, Education, and Welfare in which the Federal Water Pollution Control Administration will be organized."

Kansas stated:

"The establishment of a new agency would eliminate the long history of successful working relationship of the U.S. Public Health Service with State, interstate, and local agencies.

"In turn, water pollution abatement could be adversely affected."

New York stated:

"Resolved, That the New York State Resources Commission strongly urges that Federal administration of water pollution control programs remain within the U.S. Public Health Service because of its competence in this realm of activity; because of its established cooperative working relationships with State and interstate agencies; and because comprehensive water pollution control programs cannot be separated from day-to-day operations, research, training, and related activities in environmental health."

North Carolina stated :

"We are opposed to section 2 of S. 649 which, if enacted, will establish within the Department of Health, Education, and Welfare a separate administration charged with the responsibility of carrying out the national water pollution control program. It has been our observation that the program, as now conducted, has proven quite effective and, we believe, a change at this time would be harmful rather than beneficial. The protection of health is and will continue to be one of the primary objectives of water pollution control.

"It is, accordingly, vitally associated with public health and is an essential part of the environmental health concept within the Public Health Service. In our judgment, the removal of the program from the Public Health Service would lose to the program many technical personnel of exceptional qualifications and would disrupt desirable working relationships which have been developed between the Public Health Service and the various State water pollution control agencies.

"In view of this, and since it would appear undesirable for the Congress to take from the Secretary the right to organize and control the various programs within the Department, we cannot see the wisdom of establishing, by legislative act, a separate Water Pollution Control Administration as provided for in section 2 of the bill. We suggest, therefore, that the administration of the program be continued within the Public Health Service and that its status within the organization be elevated to reflect its important role in the preservation of the Nation's water resources."

Pennsylvania stated :

"Pennsylvania's Sanitary Water Board has been dealing with problems in the water pollution control field since 1923. We have the oldest State water pollution control agency in the country and have, I believe, a good record of accomplishments in the conserving and improving the quality of the water resources in our Commonwealth.

"We have been working with the Public Health Service since the beginning of our water pollution control work. The Public Health Service has a most competent technical and scientific staff.

"In addition to the operating personnel in the water pollution control program, there are many other employees of the Public Health Service whose talents in fields; such as, radiation, aquatic biology, toxicology, water supply, bacteriology, and virology are utilized in this important endeavor.

"If the program was transferred to a separate agency, there would be a significant loss in the effective communication which exists among scientific people who work shoulder to shoulder in the same agency."

Illinois stated :

"We do not have time for administrative experiment. The administration of the Federal Pollution Control Act should, in my opinion, remain where it is—in the Public Health Service in the Department of Health, Education, and Welfare. Based upon the Illinois experience, the staff of the Public Health Service is competent, dedicated, and aggressive in pursuing an unbiased and sound approach to the problem of water pollution control. I feel that an unbiased and thorough appraisal of the facts and results will attest to this statement indicating that a change in administration of the water pollution control activity is not warranted or desirable. To paraphrase the saying of one of Illinois' most illustrious citizens, 'Facts do not warrant swapping horses in the middle of the stream.' I emphasize the reuse of water. It is my belief that all interests in the use and reuse of water can be merged in an authority where Public Health plays a major role. Public Health must play a dominant role in any national program of water quality management."

Arkansas stated :

"Although the commission agrees that the status of water pollution control activities of the Federal Government should be elevated within the administrative framework, it definitely feels that the proposed change of administration is highly undesirable. The technical and professional competence exhibited by U.S. Public Health in the field of water pollution control is unimpeachable. It is suggested that, as an alternative measure, the Presidential Advisory Board be so constituted as to be representative of all water-using interests and given policymaking powers. It is felt that such administrative control will eliminate much of the unjust criticism which has been leveled at the Public Health Service."

Connecticut stated :

"It would be a serious mistake to approve that portion of S. 649 to transfer responsibility for water pollution control out of the Public Health Service and place it under a new agency to be created within the Department of Health, Education, and Welfare.

"In many ways, we in the Connecticut State Department of Health have worked closely with the Public Health Service in water pollution control for many years.

"The Public Health Service has demonstrated a high level of efficiency in improving water pollution control within the limitations of funds and authorization provided. The Public Health Service has a strong concern for public health problems and, in addition, for recreational use of our rivers.

"I hope, therefore, that you will urge that the bill be amended to keep responsibility for water pollution control within the Public Health Service."

South Dakota stated :

"The bill establishes a new Federal Water Pollution Control Administration in the Department of Health, Education, and Welfare and provides for an Assistant Secretary for administration of the program. Operating programs under the existing legislation are administered in the Public Health Service through delegation by the Secretary of Health, Education, and Welfare. Many reasons have been presented both for and against the establishment of a higher administrative level for the Federal water pollution control program. Our office has worked closely with the Public Health Service for many years on numerous cooperative programs including water pollution control. Such relationships have always been carried out on a cooperative basis, and reasonable success has been experienced in South Dakota in the construction and operation of necessary waste treatment facilities. In our opinion, the establishment of another large agency of Federal Government will not implement the program. In fact, there is every indication that the transfer of these responsibilities will result in an interruption of presently established programs with subsequent delays in the construction of much-needed waste treatment facilities. On the basis of our experience in conducting cooperative programs with the Public Health Service, it is our recommendation that the Federal water pollution control program be retained in that agency."

Oregon stated :

"We believe that these and many other activities and accomplishments in Oregon and elsewhere indicate that the Public Health Service is doing a commendable job in carrying out provisions of the Federal Water Pollution Control Act. The transfer of responsibilities to a new and separate administration at this time could very well hinder rather than improve the program."

Nebraska stated :

"The board is opposed to the proposal that a new administrative office be established at the Federal level for the administration of the water pollution control program. The board believes that the program should remain with the Public Health Service, so that the splendid cooperation between Federal and State officials, which has resulted in remarkable progress in this field, would be allowed to continue without interruption."

Rhode Island stated :

"Section 1(b) and section 2 of S. 649 provide for the establishment of a Water Pollution Control Administration under the Secretary of the Department of Health, Education, and Welfare to administer the Federal water pollution program, taking this responsibility away from the U.S. Public Health Service. It is felt that the U.S. Public Health Service, through years of experience in water pollution control, having developed staff and facilities for doing the job, is best equipped to administer this program. The public health aspects of water pollution control are the dominant considerations."

Wisconsin stated :

"The provisions for the creation of a new administration to take over the existing functions of the U.S. Public Health Service should seriously be reconsidered, particularly in the light of disruption or termination of existing projects, delays incident to the construction of new staff and recruiting personnel, the necessity for cannibalization of existing Federal staffs, such as the Public Health Service and State water pollution agencies to obtain personnel, and the myriad of miscellaneous costs incident to a new Federal empire-building project. On mature consideration, it would appear that the provision to unsaddle the Public Health Service should be defeated."

Washington stated:

"Finally, I wish to direct your attention to the position of the Association of State and Territorial Health Officers, the American Public Health Association, the Conference of State Sanitary Engineers, and the Water Pollution Control Federation. These are highly responsible and knowledgeable organizations, unquestionably cognizant of and dedicated to elimination of the potential threat of pollution to all water uses as well as preservation of our Nation's health and welfare. It is their determination that it is essential to continue the Public Health Service as the agency to administer the Federal program."

We respectfully urge the distinguished Subcommittee on Air and Water Pollution not to override this remarkable unanimity of opinion on the part of 23 States from Maine to Texas and from Florida to Oregon.

We also note that, before the House Public Works Committee, a very substantial number of States expressed opposition to the proposal for Federal water quality standards to be set by the Secretary of Health, Education, and Welfare, and we heartily concur in this position.

WATER POLLUTION CONTROL FEDERATION,
Washington, D.C., January 19, 1965.

HON. PAT McNAMARA,
Chairman, Senate Committee on Public Works,
U.S. Senate, Washington, D.C.

DEAR SIR: Inasmuch as it was impossible for us to have a place on the hearings before your committee yesterday on S. 4 introduced on January 6, we are accepting the general invitation extended during the hearings to present written testimony today.

During the testimony on similar legislation introduced into the 88th Congress, the board of control of this organization took a definite stand on important provisions of this bill believed to be vital to water pollution control progress in the United States.

This federation is a nonprofit member organization devoted to the technology of water pollution control and its proper application through qualified personnel and sound regulation of pollution caused by domestic and industrial waste waters. Through its monthly technical journal, its 12,000 paid journal subscriptions serves at least 40,000 persons engaged in the United States in the administration, regulation, planning, management, research, construction, and operation of water pollution control works.

The federation statement of policy, as most recently revised by the board of control, on October 10, 1963, is attached. This statement defines the federation's stand and, unfortunately, conflicts with two major provisions of S. 4 as outlined in the following paragraphs.

Section 2 of the bill establishes the "Federal Water Pollution Control Administration." Point 7 of the policy statement includes—

"That Federal activity in water pollution control should be administered by the Public Health Service which has demonstrated that it is best fitted to perform these functions by virtue of its long experience and close cooperation with State health departments and State and interstate water pollution control agencies."

Accordingly, this organization registers its objection to section 2 creating the administration outside the Public Health Service. However, the organization would sanction an elevation of the water pollution control activity in the Public Health Service.

Section 5 of the bill gives the administrator of this act Federal control of the setting of water quality standards for virtually all waters. This is considered to conflict with point 6 of the federation policy statement which reads:

"That the administration of State and interstate pollution control programs should remain in the hands of State and interstate water pollution control agencies * * *."

The Water Pollution Control Federation recognizes the desirability of determining uniform water quality criteria for specific uses; however, because of the differences in the needs of specific river basins, the federation recommends the establishment and use of such criteria as a cooperative effort by industry, State, local, interstate, and Federal agencies for and within specific river basins.

With the rate of construction of water pollution control works proceeding at the maximum rate ever achieved under the impetus of the 1961 Water Pollution

Control Act, the federation believes that major changes in the act are not now needed. If, however, the Congress passes new legislation, the federation strongly recommends that S. 4 be enacted only with the deletions of section 2 and 5 or their modification to overcome the objections cited.

This statement is made to conform with past actions of the federation board of control.

Sincerely yours,

RALPH E. FUHRMAN,
Executive Secretary.

STATEMENT OF POLICY ON WATER POLLUTION CONTROL IN THE UNITED STATES
REVISED BY THE BOARD OF CONTROL OF THE WATER POLLUTION CONTROL FEDERATION, OCTOBER 10, 1963

This statement of policy was originally adopted at the federation's 33d annual meeting in Philadelphia, October 6, 1960. Since then, revisions have been made to keep abreast of expanding and rapidly changing activities in the water pollution control field.

The federation has an important responsibility to the public as well as to its membership and to fulfill this responsibility it intends to pursue in an aggressive manner the objectives of this statement.

Pollution of the Nation's watercourses, coastal waters, and ground waters is a continuing threat to the national health, comfort, safety, and economic welfare. National survival, in terms of future urban, industrial, and commercial growth and prosperity, dictates the protection of all water resources from discharges of polluttional wastes and other substances, or from any acts which cause unreasonable impairment of water quality, and adversely affect their highest level of usefulness. While considerable progress has been made in pollution control by many municipalities and industries, many water resources areas are being degraded, impaired, and damaged by such discharges and acts, and they will be further adversely affected by the degree and pattern of population growth, industrial processing, commercial expansion, chemical useages, and other technological advancements.

To assure the conservation and protection of the Nation's water resources, the Water Pollution Control Federation believes

1. That the discharge of polluttional wastes into the waterways of the Nation should be controlled.

2. The decisions on the type and degree of treatment and control of wastes, and the disposal and utilization of adequately treated wastewater, must be based on thorough consideration of all the technical and related factors involved in each portion of each drainage basin.

3. That the responsibilities for the adequate treatment and control of wastes to overcome pollution must be shared individually and jointly by industry and local, State, and Federal governments.

4. That basic and applied research by competent personnel must be encouraged by broad mutual effort to develop new knowledge that will solve water pollution problems.

5. That the administration of pollution control must be firm, effective, and equitable.

6. That the administration of State and interstate pollution control programs should remain in the hands of State and interstate water pollution control agencies which must be supported by increased budgets and adequately staffed by well-trained and compensated engineers, scientists, and other personnel. The rights of State and interstate agencies to control and protect water resources must be accompanied by equal responsibilities to perform their functions effectively.

7. That Federal activity in water pollution control should be administered by the Public Health Service, which has demonstrated that it is best fitted to perform these functions by virtue of its long experience and close cooperation with State health departments and State and interstate water pollution control agencies.

8. That, while the primary objective of pollution control must be the protection of the public health, other objectives add impelling reasons for protecting the Nation's water resources, such as the need for the use and reuse of surface and ground waters which receive and dilute liquid wastes.

9. That wastewater represents an increasing fraction of the Nation's total water resource, and is of such value that it might well be reclaimed for beneficial reuse through the restoration of an appropriate degree of quality. To this end the development of methods for wastewater reclamation and criteria for such reuse should be encouraged.

10. That the public must be made fully aware of the hazards of pollution and of the workable means for control, so that it will sponsor and support construction and proper operation of all necessary facilities.

11. That mandatory certification or licensing of better trained and compensated operating personnel is the best ultimate means for assuring the most effective operation and maintenance of pollution control facilities.

12. That standards for radiation hazards in water pollution control should be primarily in the interest of the protection of the public health.

13. That the control of toxic and exotic chemicals should be exercised, to the maximum extent practicable, at the source in order to prevent problems in water pollution control.

14. That Federal, State, and local fiscal laws and practices should be devised and modified to assure the most economical and effective means for financing the construction, operation, and upgrading of wastewater treatment works.

STATEMENT OF THE ASSOCIATION OF STATE & INTERSTATE WATER POLLUTION CONTROL ADMINISTRATORS

This statement reiterates the views of the association relative to Federal water pollution control legislation as essentially expressed in the attached resolutions passed at the annual meeting of the association held in Denver on December 9-10, 1964. This organization is comprised of administrative officers of the 50 States and several interstate agencies involved in water pollution control. The comments that follow relate to each section of the bill with additional statements of our feelings for strengthening the program.

Section 1. The association has no comment on this section.

Section 2. The association opposes the enactment of this portion of the bill. This opposition is supported by resolutions passed by the association in both 1963 and 1964 (Resolution No. 8). In all matters pertaining to appropriate utilization of natural resources, personnel, policies and procedures, contributing to the health and welfare of the public, technical approaches of the professional water pollution control people in the Public Health Service have been highly exemplified in their accomplishments under Public Law 660 and its amendments. However the association urges that the position of the existing program should be strengthened and elevated in stature within the U.S. Public Health Service administration.

Section 3. The association is in agreement with this section on grants for development of new methods for control of combined storm and sewer discharge (Resolution No. 5). However, we suggest that this be a 4-year program instead of 3 years as indicated in the bill.

Section 4. With minor exceptions the association supports this section of the bill (Resolution No. 2), relative to construction grants. We propose the maximum ceiling for multimunicipal projects be raised to \$6 million in lieu of the \$4 million proposed in the bill. Since the bill raises the maximum ceiling for individual projects to \$1 million which we support, we believe serious consideration should be given to the wisdom of increasing the maximum ceiling without an increase in the appropriation level. A majority of States already have a backlog of applications for Government funds. Without the increased appropriation, the number of possible eligible grants certified would be reduced, thereby creating an even bigger backlog. Therefore, we propose that annual appropriations be increased from \$100 to \$150 million annually in fiscal year 1966, \$175 million in fiscal year 1967, and \$200 million for fiscal year 1968 through 1970. Also an increase in percentage of Federal participation should be provided to benefit the smaller communities not having a tax structure to sufficiently support such projects.

Section 5. By resolutions passed in 1963 and 1964 (Resolution No. 8), the group is in opposition to this section of the bill pertaining to the setting of stream standards by the Federal Government. It appears that this is contrary to the declaration of policy contained in section 1(b) of the act. The establishment of stream standards is a matter depending entirely upon local and regional cir-

cumstances and is therefore basically a function of State and regional agencies.

Sections 6, 7, and 8. The association has no comment on these sections.

The association urges (Resolution No. 1), that Congress authorize grants to municipalities, counties, sanitary districts, States and interstate agencies and other such public bodies for special studies, investigations, and projects of wide interest and application to the control of water pollution. These would be projects that do not fit into the existing categories of research or demonstration grants. We propose this grant program to consist of annual appropriations of \$5 million in fiscal year 1966, \$10 million in fiscal year 1967, \$15 million in fiscal year 1968, and \$20 million in fiscal year 1969 and 1970, with such grants to be provided on a matching basis with Federal participation not to exceed 50 percent of the overall cost of such projects.

The association also urges that additional training grant funds, (Resolution No. 3), be appropriated by Congress for extension of the Public Health Service training assistance program to undergraduate and technical level studies. The need for trained scientific engineering and technical personnel in all levels is a critical one in the field of water pollution control.

The association further urges (Resolution No. 4), that the bill include a section that would authorize the Secretary of the Department of Health, Education, and Welfare under the Federal Water Pollution Control Act to make grants to States, municipalities, private utilities, and other public agencies sponsored projects for low-flow regulation for water quality improvement purposes provided that the cost for each project shall not exceed the cost of low-flow regulation requirements determined as a part of a comprehensive water quality control plan of river basin.

As a final statement the association urges (Resolution No. 6), that Congress increase the authorization for annual appropriation, for grants to States and interstate agencies to assist in meeting costs of establishing and maintaining adequate measures for prevention and control of water pollution under section 5(a) of the Federal Water Pollution Act from \$5 to \$15 million. This is essential for both individual health and a national interest standpoint that State and interstate agencies strengthen and expand their water pollution control program. Our expression of monetary ceiling for the recommended appropriation is based upon a 1964 survey and report by the Public Administration Service entitled, "Staffing and Budgeting Guidelines for State Water Pollution Control Agencies," copy attached for including in record.¹ This report tabulated the minimum and desirable staffing needs for State Water Pollution Control Agencies based on the parameters of total population, population density, percent urbanization, land area, water area, recreational use, and industrial use. Through these bases and using an average annual salary of three times the per capita annual income for each State the study recommended an optimum total expenditure of \$39 million and a minimum expenditure of \$25 million. From this it appears that the Federal Government should participate to the extent of \$15 million.

The association expresses a gratitude of appreciation to the entire committee for the opportunity of submitting this statement for the record.

RESOLUTION No. 1—GRANTS FOR SPECIAL PROJECTS

Whereas the construction of engineering works for water supply and pollution control requires preliminary research and engineering studies to insure not only efficient operation, but economical design and construction; and

Whereas such projects are frequently very costly and are usually only undertaken by public bodies confronted with the need to find a solution to a local problem under the jurisdiction of the public body; and

Whereas the development of solutions to special problems can be expected to entail unusually high costs because of the experimental nature of the research, development, and engineering involved; and

Whereas it is in the highest public interest that the Federal Government assist municipalities, counties, sanitary districts, States, and interstate agencies, and other public bodies in developing works that would solve such special problems: Now, therefore, be it

Resolved, That the Association of State & Interstate Water Pollution Control Administrators does hereby recommend that Congress authorize grants to municipalities, counties, sanitary districts, States and interstate agencies, and other

¹ Filed with the committee.

public bodies for special studies, investigations, and projects of wide interest and application to the control of water pollution; be it further

Resolved, That this grant program consist of annual appropriations of \$5 million in fiscal year 1966, \$10 million in fiscal year 1967, \$15 million in fiscal year 1968, and \$20 million in fiscal years 1969 and 1970, with such grants to be provided on a matching basis with Federal participation not to exceed 50 percent of the overall costs of such projects; be it further

Resolved, That appropriations be approved by the appropriate State agency. Passed.

RESOLUTION No. 2—CONSTRUCTION GRANTS

Whereas the sewage treatment construction grants program under section 6 of the Federal Water Pollution Control Act has been very successful in stimulating the construction of needed sewage treatment works; and

Whereas a large backlog of unmet needs remains which should be satisfied as soon as possible; and

Whereas the larger sums of money available under the accelerated public works and water pollution control programs demonstrated that municipalities would respond to this incentive: Now, therefore, be it

Resolved, That the Association of State & Interstate Water Pollution Control Administrators endorse and support an amendment to the Federal Water Pollution Control Act to—

(a) Continue in effect the present construction grant program.

(b) Authorize an increase in annual appropriations from \$100 million annually to \$150 million in fiscal year 1966, \$175 million in fiscal year 1967, and \$200 million for fiscal years 1968–70.

(c) Increase the maximum grant ceiling for individual projects from \$600,000 to \$1 million.

(d) Increase the maximum grant ceiling for multimunicipal projects from \$2.4 to \$6 million.

(e) Increase the percentage of Federal participation in a project.

RESOLUTION No. 3—TRAINING GRANTS

Whereas the need for trained scientific engineering and technical personnel in all levels is a critical one in the field of water pollution control; and

Whereas the Public Health Service under the Federal Water Pollution Control Act has administered a program of training grants to educational institutions to establish or expand grant level training programs in pollution control; and

Whereas the effectiveness of this program in stimulating graduate training and numbers of trained personnel has been demonstrated; and

Whereas there is still a critical need to increase training at the undergraduate and technician levels: Now, therefore, be it

Resolved, That the Association of State & Interstate Water Pollution Control Administrators recommends that the Public Health Service extend its training assistance to undergraduate and technical level studies, and that additional training grant funds be provided for this purpose.

Passed.

RESOLUTION No. 4—STREAMFLOW AUGMENTATION

Whereas it is widely recognized that streamflow regulation for water quality control will be necessary to supplement adequate waste treatment in protecting water quality in many of the Nation's rivers; and

Whereas it has been suggested that every impoundment site be examined for its potential for a contribution to the maintenance of streamflows which are necessary to maintain water quality; and

Whereas the Federal Water Pollution Control Act provides for the storage of water for streamflow regulation for water quality control; and

Whereas it is generally acknowledged that the Federal Government plans and builds only a small part of total water impoundments in this country: and

Whereas facilities constructed by private and public utilities and others are usually constructed with limited funds to serve limited purposes, and this usually precludes multipurpose development; and

Whereas the obtaining of storage space in known Federal reservoirs by the Federal Government is not a new concept, as the Corps of Engineers is authorized under existing law to make contributions to known Federal projects for

storage for flood control, and there are many examples of local-Federal cooperation of storage for flood control: Now, therefore, be it

Resolved, That the Association of State and Interstate Water Pollution Control Administrators recommends that Congress enact legislation that would authorize the Secretary, Department of Health, Education, and Welfare, under the Federal Water Pollution Control Act to make grants to States, municipalities, private utilities, and other public agency-sponsored researchers for the low flow regulation for water quality improvement purposes; further, This association does hereby memorialize the Congress that cost for each project shall not exceed the cost of low flow regulation requirements determined as a part of a comprehensive water quality control plan of a river basin.

Passed.

RESOLUTION No. 5—GRANTS FOR DEVELOPMENT OF NEW METHODS FOR CONTROL OF DISCHARGES FROM COMBINED SEWER SYSTEMS

Whereas approximately 60 million people in some 2,000 communities throughout the Nation are served by combined sewers and combinations of combined and separate sewer systems; and

Whereas stormwater and combined sewer overflows are responsible for significant amounts of polluting material in the Nation's receiving waters and represent one of the most difficult pollution problems confronting our urban areas today; and

Whereas major expenditures will be required to develop and demonstrate effective means of providing for separation or sewers of otherwise controlling such pollution; and

Whereas a program for the acquisition of actual design, construction, and performance data would represent an effective means of initially attacking this problem as well as providing information for future solution on a national basis: Now, therefore be it

Resolved, That the Association of State and Interstate Water Pollution Control Administrators supports a program for Federal demonstration grants for the development of new and improved methods for controlling the discharge of sewage and stormwater combined sewer systems; be it further

Resolved, That this grant program consist of annual appropriations of at least \$20 million starting in fiscal year 1966 and continuing through fiscal year 1970. Such grants should be provided to municipalities, special districts, and other public bodies on a matching basis with Federal participation limited to 50 percent and no grant shall exceed 5 percent of the amount of funds authorized in any 1 fiscal year.

Passed.

RESOLUTION No. 6—PROGRAM GRANTS

Whereas section 5(a) of the Federal Water Pollution Control Act authorizes the annual appropriation of \$5 million to June 30, 1968, for grants to States and interstate agencies to assist in meeting costs of establishing and maintaining adequate measures for prevention and control of water pollution; and

Whereas it is the intent of the legislation that the Federal Government through such grants share the State and interstate water pollution control program expenses on an approximately 50-percent basis overall; and

Whereas under the \$5 million limitation now provided for in the act the Federal contribution to State and interstate water pollution control program expenses amount to less than a third contribution overall; and

Whereas \$5 million in Federal funds appropriated in 1964 for water pollution control program grants under the authorization and limitations of section 5 of the act was not sufficient to meet the States' entitlements and appropriated matching funds for such grants; and

Whereas it is essential both from an individual health and a national interest standpoint that State and interstate agencies strengthen and expand their water pollution control programs: Now, therefore, be it

Resolved, That the Association of State and Interstate Water Pollution Control Administrators does hereby recommend that the Congress increase the authorization for annual appropriations for grants to States and interstate agencies to assist in meeting costs of establishing and maintaining adequate measures for prevention and control of water pollution under section 5(a) of the Federal Water Pollution Control Act from \$5 to \$15 million.

Passed.

RESOLUTION No. 8—FEDERAL WATER POLLUTION CONTROL

Whereas the 88th Congress considered major amendments to the existing Federal Water Pollution Control Act, said amendments generally referred to as S. 649; and

Whereas the 1964 meeting of the State and Interstate Water Pollution Control Administrators has taken cognizance of this proposed legislation: Now, therefore, be it

Resolved, That the SIWPCA reaffirm its basic position that:

1. There is no need in Federal law for additional provisions relating to standards for water quality.
2. Discharges of sewage and other wastes from Federal installations should be required to meet the same standards and requirements as similar discharges from municipal or private sources.
3. The existing program should be held together and elevated in stature within the U.S. Public Health Service administration.

Passed.

CALIFORNIA MANUFACTURERS ASSOCIATION,
San Francisco, Calif., January 15, 1965.

CHAIRMAN, SENATE PUBLIC WORKS SPECIAL AIR AND WATER POLLUTION SUBCOMMITTEE,
U.S. Senate, Washington, D.C.

DEAR SIR: We have just learned of the contemplated hearing by the Senate Public Works Special Air and Water Pollution Subcommittee scheduled for January 18 relative to the new water pollution control bill S. 4. While we do not have at hand a copy of S. 4, we do understand that the sections of particular concern to the California Manufacturers Association are practically identical to those same sections in the original bill S. 649 which passed the Senate in October 1963. We do, therefore, wish to present to you the position which the California Manufacturers Association Industrial Waste Committee took with respect to S. 649 at that time and to which we subscribe in requesting modification of S. 4. This comment is repeated verbatim as follows:

"California Manufacturers Association has a genuine interest in and sincere concern with water pollution control and legislation to bring it about. Through its industrial waste committee, which consists of representatives from 112 manufacturing concerns in the State, our association has played a leading role in the development of sound water pollution control methods in California by promulgating and supporting improvements over the years in the California Water Pollution Control Act leading to continual upgrading of the quality of California's waters."

The California act has minimized conflict and misunderstanding between the discharger and the people who regulate him, and has promoted an atmosphere of understanding and cooperation which is so necessary to the rapid and efficient solution of actual water pollution problems.

Our industrial waste committee has studied S. 649 with the thought that, based on our experience in California, we could develop and offer constructive suggestions and comments.

Attached you will find three suggested amendments to S. 649 along with a statement in support of these amendments. These amendments cover the following points:

First, a definition of "pollution" is proposed. Such a definition is necessary, in our opinion, in order that the intent of Congress be known as to what it wants prevented, controlled, and abated. It seems to us most difficult for anyone to argue against defining the problem which the bill seeks to alleviate.

Second. The suggestion here is that different waters be treated as separate entities for the purpose of promulgating standards of water quality so that each standard will be meaningful as to the particular body of water to which it is to apply.

We do not find in S. 649 sufficient guidelines for the Secretary to use in exercising his "water quality standards" setting authority. These guidelines must, in our opinion, take the form of recognizing that economic use of waters vary greatly State by State, multistate region by multistate region, watershed by watershed, and, therefore, standards of water quality must vary accordingly. Taking cognizance of this, the California act divides the State into nine regions, each with

its own control board. Each regional board consists of members from the region considering regional problems, prescribing and enforcing regional control in their watershed after first determining the most appropriate use or uses of their waters, thus preserving and enhancing the health and welfare, including economic welfare, of the people in their region. The total effect of the control activities of these nine regional control boards is extremely effective control of water pollution in the entire State. We cite this organizational structure to illustrate that appropriate uses of waters in an area are paramount in that area and that uses in other regions may have little or no relationship. Water quality standards, therefore, must be based on the most appropriate uses of the waters in a particular watershed area and cannot be based on what may be desirable in another area or on a nationwide basis. Apparently the Senate Public Works Committee intends that standards be set on a case-by-case, area-by-area basis, but this is not clear in S. 649. (See p. 9 of Senate Committee Report No. 556 which accompanied S. 649.)

Third. The suggestion here is that the Secretary shall publish a report which will provide the scientific and other bases upon which the standard of each body of water is established. The report would serve to illustrate the necessity of the standard adopted and assure those affected that it was based on scientific procedures rather than arbitrary action. Further, it would tend to generate support for the standards by the people, municipalities, and industries affected."

The above comments were presented in December 1963 to the Public Works Committee of the House of Representatives and appear to have been reflected in H.R. 1885 which was published as the House version of S. 649. In fact, H.R. 1885 plus a definition of the word "pollution" and a more definitive language in regard to "setting forth the scientific facts, standard analytical procedures and other bases upon which each entity of water quality is established" would make a good modification pattern for the present S. 4 bill.

Yours very truly,

W. C. JACOBY,
*Chairman, Federal Air and Water Pollution
Legislative Subcommittee of the Industrial Waste Committee.*

AMENDMENTS TO S. 649 IN THE HOUSE OF REPRESENTATIVES, OCTOBER 17, 1963

Amendment 1

Add to the definition section of the existing act (sec. 11) a new subsection (g), "‘Pollution’ means an impairment of the quality of the interstate or navigable waters by sewage or industrial waste to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease or which adversely and unreasonably affects such waters for domestic, industrial, agricultural, navigational, recreational, or other beneficial use."

Amendment 2

On page 7, line 25 immediately after "Secretary" add, "shall consider each of such waters as a separate entity and".

Amendment 3

On page 8, line 3 immediately after the word "uses" delete the period and add, "and shall issue and publish a report setting forth the scientific facts, standards, analytical procedures used and other bases upon which the standard for each such entity is established. No standard shall be effective until these requirements are met."

STATEMENT IN SUPPORT OF PROPOSED AMENDMENTS TO S. 649

Amendment No. 1

This amendment proposes a definition of "pollution" to remedy an omission in the present bill. It has been our experience in California, and we also understand this is true on the national level, that constructive consideration of water pollution has been hampered where the term under consideration is not defined. We do not believe this difficulty is unique to water pollution, but the other hand, that it is a general problem where frequently what appeared to be vast differences of opinion have practically disappeared when the problem under discussion is defined, even though in somewhat general terms.

The particular definition suggested can, of course, be attacked as can any definition, but it seems to us most difficult for anyone to argue against the inclusion of a definition of the problem which the bill seeks to alleviate.

Amendment No. 2

Standards of interstate water quality cannot, by the nature of things, be set on a national basis. For example, a standard covering permissible solids might be fitting for application to the Columbia River, but the same standard might be completely inapplicable to the Colorado River. The suggestion is therefore that the different waters be treated as separate entities for the purpose of promulgating standards so that each standard will be meaningful as to the particular body of water to which it is to apply.

Amendment No. 3

The enhancement of water quality to meet standards promulgated for certain interstate or navigable waters may require the expenditure of large sums of money, and such standards should be supported by the people, municipalities, and industries affected. Such support could be totally lacking if a standard were adopted, no matter how reasonable and beneficial, which appeared to those affected to have been adopted as a result of the arbitrary use of Federal power. The report suggested by amendment No. 3 would serve to illustrate the necessity of the standard adopted and assure those affected that it was based on scientific procedures rather than arbitrary action. It is believed that the publication of such report will not be an onerous burden upon the Assistant Secretary of Health, Education, and Welfare designated by the Secretary, for we assume that after the hearings required by the bill have been held, the Secretary will have the facts necessary to prepare such report.

As stated in the amendment, the report would contain the facts established and the procedures used to arrive at the Assistant Secretary's conclusions which he would embody in a standard. This report would be invaluable in consideration of revisions of such a standard (contemplated by sec. 10(c)(2) of the bill), for if improved techniques were developed or changed facts occurred, the situation at that time could readily be compared with the facts and procedures used in establishing the original standard since this information would appear in the report.

STATEMENT OF NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

The National Society of Professional Engineers is a nonprofit membership organization composed of professional engineers engaged in virtually all branches of the engineering profession and all fields of professional endeavor. Each of the society's more than 63,000 members is qualified under applicable State engineering registration laws which certify that registrants thereunder have met the prescribed qualifications for engaging in the practice of professional engineering. The society's membership is affiliated through 53 State and territorial societies and over 450 local community chapters.

Following a careful study of recent developments in the efforts to date to deal with the problem of water pollution, the society has adopted the following policy statement:

POLICY NO. 46-A—WATER POLLUTION

"The pollution of the streams, rivers, and other waters of the United States is a serious problem which must be solved without delay. It is recommended that legislation be enacted that will extend the necessary Federal aid to accomplish this result. The program of Federal financial aid should be administered through appropriate State agencies and the existing facilities of Federal agencies with responsibilities in the field of water pollution prevention.

"NSPE endorses present programs involved under the Federal Water Pollution Control Act, and also endorses Federal grants for the construction of sewerage and treatment works and Federal grants for the separation of combined sewers, with the proviso that any revisions in existing legislation not jeopardize the existing satisfactory relationship between the Public Health Service and the States, or grant the Secretary of Health, Education, and Welfare Department unqualified authority to set standards of quality applicable to interstate and navigable waters.

"The society approves the statement of the December 1960 National Conference on Water Pollution, recommending that the goal of pollution abatement is to protect and enhance the capacity of the water resources to serve the widest possible range of human needs, and that this goal can be approached only by accepting the positive policy of keeping waters as clean as possible (taking into account that the adequacy of treatment depends on downstream uses of water) as opposed to the negative policy of attempting to use the full capacity of water for waste assimilation."

Applying this policy to the pending bill, we see several areas of concern from the standpoint of providing the Nation with the most effective professional efforts to give the program further impetus and strength. First, however, we should like to emphasize that we are in full accord with the purpose of the bill to enhance the quality and value of our water resources and to strengthen a national policy for the prevention, control, and abatement of water pollution. Professional engineers, having a vital and key role to play in this endeavor, are particularly aware of the overwhelming importance of adequate clean water for domestic, recreational, fish and wildlife, agricultural, industrial, and other uses. Many thousands of professional engineers devote their full professional efforts toward these ends.

In fact, the engineering profession takes pride in having developed a branch of sanitary engineering. This began about 100 years ago at Lawrence, Mass. This was the birth of the Lawrence Experiment Station started by Engineer Mills of the Massachusetts Board of Health. That station did basic research and demonstrations in the methods of water and waste treatment. This work and that of the U.S. Public Health Service at its Cincinnati station were foundation stones for sanitary engineering in this country and indeed the world. There are not many other countries in which one can travel cross-country and drink the water without boiling it or suffering illness. The U.S. sanitary engineers in concert with medical and other disciplines deserve major credit for this and other aspects of our relative high standard of living. It was this group who reduced to a minimum typhoid fever and some other water and filth-borne diseases. They developed the methodology and paved the way for our present water quality and other sanitary engineering operations including the protection of our water resources for all legitimate water uses. In laying the groundwork and making some progress toward our present-day goals, the sanitary engineers enlisted the aid of biologists, chemists, economists, lawyers, and other essential members of the water quality control team. Thus evolved a multidisciplinary approach under engineering leadership for handling our complex water pollution control problems.

The pending bill would transfer part of the Federal water pollution control program from the Public Health Service to a new Federal Water Pollution Control Administration within the Department of Health, Education, and Welfare. The new agency would have primary jurisdiction for planning comprehensive programs for water pollution control; interstate cooperation and uniform laws and enforcement measures against pollution of interstate or navigable waters.

However, unless the Secretary directed otherwise, the Public Health Service would retain primary responsibility for research, investigations, training, and information; grants for research and development; grants for State and interstate water pollution control programs and grants for construction.

We question whether it is feasible and wise to divide the overall water pollution control program into two different agencies, even though both are in the same Department. We can see no real advantage in such a splintering and considerable possibility of disruption of proven and experienced administrative and technical "know-how." The Public Health Service has developed over the years a high-level group of professional engineers with great expertise in the entire field of water pollution. Even though the bill provides that the head of the proposed Administration may "initially" obtain professional and technical personnel from within the Department, we think it is most likely that in due course at least some of the high-caliber professional engineering staff of the Public Health Service, with considerable experience in water pollution, will be eliminated from that field of endeavor. It is our understanding that most of the engineers now on the water pollution control program chose the Public Health Service on a career basis to work on water pollution control and inter-related pollution problems of radioactivity in water as well as other contaminants. The disruption and demoralization of this outstanding group of

engineers would represent a considerable waste or malutilization of key technical personnel at the very time when the Government, and the Nation as a whole, can ill afford to utilize ineffectively its scarce supply of highly trained professional engineers. It is certain that such a split would reduce the attractiveness of the Public Health Service for engineers on a career basis and the new Administration would have even greater difficulty in recruiting and retaining high caliber engineers and other essential technical personnel.

We are also bothered by the apparent concept that the combating of water pollution can be divided into segments. There are, of course, many facets to the problem—ranging from protection of the public's health to industrial productivity. These different aspects, however, are interrelated and it seems most questionable, for example, that it would be good policy to have one office responsible for comprehensive river basin pollution control plans and another responsible for technical services or basic data collection. To do an effective job in developing comprehensive programs in cooperation with the States it would seem obvious that consideration must be given to the state of the research in the field and the availability of kinds and types of qualified personnel available for the work at all levels of operation.

In addition, it should be pointed out that the Public Health Service has had some of the most extensive and best experience in developing and implementing cooperation with the States. The State sanitary engineers and the State and interstate water pollution control administrators, who occupy a key role in this overall activity, are intimately familiar with the engineering personnel of the Public Health Service and there has often been a movement of engineers between the two. The proposed new Administration would necessarily have to develop similar close liaison in the field of State and interstate cooperation. Progress would be retarded at least until such time as the proposed new Administration could build these relationships.

The report of the Senate Committee on Public Works last year on S. 649 (S. Rept. 556) suggested that the Public Health Service's primary interest is in the protection of health. It can be inferred from this emphasis that health aspects are separable from other purposes of the water pollution control laws. We do not think this is the case. Health usually is placed foremost in the objectives on bond issues for pollution abatement facilities, for orders and court decrees for pollution abatement, and even in the proposed legislation embodied in S. 4. However, all legitimate water uses must be given full consideration by the respective qualified scientific disciplines in pollution abatement. We are all familiar, for example, with the recent problem of the tainted smoked fish which caused the death or illness of several citizens. Certainly, this is a medical or health problem, but the solution of it requires engineering analysis and research into the causes of the pollution which led to the fish becoming poisonous. This one example indicates that the total fight against water pollution is and must be a team effort involving medical doctors, engineers, life scientists, and other disciplines.

For the reasons given, we suggest that the committee not give approval to the concept of dividing the water pollution control efforts between several agencies and that the Public Health Service retain the full responsibility with such additional support and funds as the Congress may determine to be necessary to speed up and expand this important undertaking.

At least part of the impetus behind the pending bill appears to be the feeling that enforcement activity needs to become more aggressive. With this concept we have no disagreement. But it should be noted that the 1961 amendments (Public Law 87-88) transferred to the Secretary the responsibility for the administration of the law, formerly vested in the Surgeon General of the Public Health Service. The Senate committee report last year suggested that stronger enforcement action will result if the proposed new Administration is created. It seems to us, however, that the Secretary can direct a more extensive enforcement activity without the necessity of creating a separate Administration by the providing of additional personnel for enforcement within the Public Health Service, or as part of his own staff. There is no lack of authority to order increased attention to enforcement. The only requisite is sufficient qualified personnel to develop the needed technical and legal background and expertise. The technical expertise already exists in the Public Health Service, and we see no reason why the Secretary cannot and should not utilize this available resource to support an expanded enforcement program. It would appear more advantageous to strengthen the existing, very capable but underbudgeted, organization rather than disrupting it and starting over with a new Administration.

Our policy statement opposes giving any Federal agency authority to establish and promulgate water quality standards, which would be contrary to the policy favoring proper Federal-State relationships.

The pending bill would authorize the Secretary to promulgate standards only if, within a reasonable time after being requested by the Secretary to do so, the appropriate States and interstate agencies have not developed standards found by the Secretary to be consistent with standards established by him. This language presumably gives the States an opportunity to accept the Secretary's standards, but if they do not do so the Secretary may impose his standards. We suggest that this approach amounts to giving the Secretary complete and final authority to set the standards. The water pollution control program has traditionally been one of Federal-State cooperation, and while there can be no question of wishing to have the highest possible standards, we believe that the proposed authority would be contrary to the Federal-State cooperative relationship which has heretofore existed. We suggest that this language should be revised to make the development of standards a truly Federal-State joint and cooperative endeavor in order to maintain what has been a most desirable Federal-State relationship.

We are in accord with the conclusions of the report of the House Committee on Public Works last year (H. Rept. 1885) on this point, in which the committee stated:

"The desirability of having water quality standards is recognized by the committee, but the committee is also conscious of the fact that any attempt to authorize the promulgation of such standards by an agency of the Federal Government might do damage to the cooperative Federal-State relationships. For that reason, the committee has modified the provision of section 5 of the bill as passed by the Senate to provide that the Secretary instead of promulgating standards may recommend standards. The committee considers this to be a major change to assure the States, the various water pollution control organizations, and private industry that the Federal Government does not desire to have an arbitrary establishment of such standards. The bill as amended now provides sufficient guarantees to all those concerned that the adoption of the recommendations of the Secretary will be at the option of the States. The committee is of the opinion that the amended language in the bill is a definite improvement to existing legislation and will furnish a much better framework to carry out the purposes of the program."

It is recommended that the Senate Committee on Public Works agree with the conclusion of the House Committee on Public Works and adopt an amendment along the lines included in the House committee amendments to S. 649.

There are a number of good features in the bill which we believe should be retained—an additional Assistant Secretary, and the provisions for grants for research and development on the problem of combined storm and sanitary sewers, improved treatment plant construction grants and encouragement of comprehensive metropolitan planning, control of pollution from Federal installations and regulation of detergents in interstate commerce.

We suggest that these good features can be retained without destroying or impairing the highly desirable Federal-State cooperative relationship and without disrupting and splintering the competent engineering staff and function of the Public Health Service. In view of the great importance of this program to our national health and welfare, the funds involved and the large numbers of engineers and other scientific disciplines required, we respectfully suggest that the Congress consider upgrading this program to an Institute or Center within the Public Health Service, with an engineer in charge reporting directly to the Surgeon General. Toward this end the National Society of Professional Engineers will be glad to provide such assistance as may be desired.

STATEMENT OF THE AMERICAN VETERANS COMMITTEE (AVC), CHESTER C. SHORE,
CHAIRMAN, LEGISLATIVE COUNCIL

The American Veterans Committee is an organization of veterans of both World Wars and the Korean conflict. As citizens, we are very much interested in S. 4, the proposed Water Quality Act of 1965. Our platform provides as follows: "The conservation and development of adequate fresh water supplies to meet expanding needs for domestic agricultural, industrial, wildlife and recreational uses, and the protection and improvement of water quality, espe-

cially in relation to accumulated pesticide and other contaminating matters, are of increasingly urgent concern. Our water resource development programs should give increased attention to these needs, including the development at multipurpose and water supply projects of adequate reservoir storage and aqueduct capacities to serve future as well as present needs. We favor continued research in weather modification to increase usable water supplies, and we support vigorous Federal programs to develop alternative economic means of converting brackish and saline waters into usable fresh waters.

"We urge expanded research, increased local and Federal effort, and more effective legislation to end pollution of our waters and shores."

Our organization wishes therefore to give its utmost support to congressional efforts to safeguard the purity of the water and provide for the conservation and development of adequate fresh water supply. We consider that the problem is an extremely urgent problem in view of ever-increasing danger of pollution.

We therefore urge the maximum effort by Congress as quickly as possible.

U.S. CONFERENCE OF MAYORS,
Washington, D.C., January 19, 1965.

HON. EDMUND S. MUSKIE,
Chairman, Special Subcommittee on Air and Water Pollution, Committee on Public Works, U.S. Senate, Washington, D.C.

DEAR SENATOR MUSKIE: The U.S. Conference of Mayors wishes to reiterate its endorsement and support of the provisions of S. 4 presently before your committee. Our testimony in favor of these provisions as contained in S. 649, 88th Congress, was presented on June 17, 1963.

President Johnson importantly recognized and clearly stated the national concern in regard to the water pollution problem in his state of the Union message. We are convinced that the individual provisions of S. 4 respond directly to the objectives which the President announced for resolving this serious problem.

The establishment of the Federal Water Pollution Control Administration in the Department of Health, Education, and Welfare is perceptibly necessary to provide resolute and effective leadership and administration for the coordinated Federal-State local program. The immensities of the water pollution problem have long since advanced beyond being solely a health matter.

Urgent urban and metropolitan area needs are expressly provided for in S. 4 through the proposed new program of grants for development of new and improved methods of dealing with waste discharges from storm sewers and combined storm and sanitary sewers, and by the increased amounts for single- and multiple-project grants for construction of municipal waste treatment works. This latter provision will allow more equitable treatment of our larger cities in this regard. The additional 10-percent incentive authorized for project conformity with a metropolitan area development plan will assist importantly in achieving desirable patterns of growth and development of these large urban centers.

The establishment of meaningful and reasonable water quality standards on interstate waters, as proposed in S. 4, will be welcomed by municipalities which have long felt the need for realistic guidelines to be followed in preventing pollution from occurring. Further, we anticipate that such standards will be equitably applied and enforced.

In conclusion, we wish to commend the committee for the important contribution it is continuing to make in focusing public attention on the problems and needs, including those of the Nation's cities, in the prevention and control of water pollution.

Sincerely,

RAYMOND R. TUCKER,
Mayor of St. Louis, President, Conference of Mayors.

Senator MUSKIE. With that, the committee will stand adjourned.
(Whereupon, at 1:30 p.m., the subcommittee was adjourned.)

LEGISLATIVE HISTORY

Public Law 89-234
S. 4

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INDEX AND SUMMARY OF S. 4

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| Jan. 6, 1965 | Sen. Muskie and others introduced and Sen. Muskie discussed S. 4 which was referred to Senate Public Works Committee. Print of bill as introduced and remarks of Sen. Muskie. |
| Jan. 26, 1965 | Sen. Javits and Cooper submitted and discussed proposed amendments to S. 4. |
| Jan. 27, 1965 | Senate committee reported S. 4 with amendments. S. Report No. 10. Print of bill and report. |
| Jan. 28, 1965 | Senate passed S. 4 with amendments. Print of bill as passed by Senate. |
| Feb. 1, 1965 | S. 4 was referred to the House Public Works Committee. Print of bill as referred. |
| Feb. 4, 1965 | Sen. Javits urged amendment to S. 4. |
| Mar. 18, 1965 | House committee voted to report S. 4. |
| Mar. 31, 1965 | House committee reported S. 4 with amendments. H. Report No. 215. Print of bill and report. |
| Apr. 14, 1965 | House Rules Committee reported resolution for consideration of S. 4. H. Res. 339, H. Report No. 246. Print of resolution and report. |
| Apr. 28, 1965 | House passed S. 4 with amendments. |
| July 28, 1965 | Senate conferees were appointed on S. 4. |
| July 29, 1965 | House conferees were appointed on S. 4. |
| Sept. 14, 1965 | Conferees agreed to file a report. |
| Sept. 17, 1965 | House received conference report on S. 4. H. Report 1022. Print of report. |
| Sept. 21, 1965 | Both Houses agreed to conference report. |
| Oct. 2, 1965 | Approved: Public Law 89-234. |

DIGEST OF PUBLIC LAW 89-234

WATER QUALITY ACT OF 1965.

Authorizes the Secretary of Health, Education, and Welfare to make grants to interstate, State, and local government agencies for research and development of improved methods of water quality management; to increase grants for construction and sewage treatment works; and to establish water quality criteria and standards applicable to interstate waters or portions thereof. Provides for the establishment of a Federal Water Pollution Control Administration within the Department of HEW. Authorizes one additional Assistant Secretary of HEW.

S. 4

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 1965

Mr. MUSKIE (for himself, Mr. BARTLETT, Mr. BAYH, Mr. BOGGS, Mr. BREWSTER, Mr. CLARK, Mr. DOUGLAS, Mr. FONG, Mr. GRUENING, Mr. HART, Mr. INOUE, Mr. KENNEDY of Massachusetts, Mr. LONG of Missouri, Mr. MAGNUSON, Mr. MCCARTHY, Mr. MCGEE, Mr. METCALF, Mr. MILLER, Mr. MOSS, Mr. NELSON, Mrs. NEUBERGER, Mr. PEARSON, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, and Mr. YOUNG of Ohio) introduced the following bill; which was read twice and referred to the Committee on Public Works

A BILL

To amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) (1) section 1 of the Federal Water Pollution
4 Control Act (33 U.S.C. 466) is amended by inserting

1 after the words "section 1." a new subsection (a) as
2 follows:

3 " (a) The purpose of this Act is to enhance the quality
4 and value of our water resources and to establish a national
5 policy for the prevention, control, and abatement of water
6 pollution."

7 (2) Such section is further amended by redesignating
8 subsections (a) and (b) thereof as (b) and (c)
9 respectively.

10 (3) Subsection (b) of such section (as redesignating
11 by paragraph (2) of this subsection) is amended by striking
12 out the last sentence thereof and inserting in lieu of such
13 sentence the following: "The Secretary of Health, Educa-
14 tion, and Welfare (hereinafter in this Act called 'Secretary')
15 shall administer this Act and, with the assistance of an
16 Assistant Secretary of Health, Education, and Welfare desig-
17 nated by him, shall supervise and direct the head of the
18 Water Pollution Control Administration created by section 2
19 and the administration of all other functions of the Depart-
20 ment of Health, Education, and Welfare related to water
21 pollution. Such Assistant Secretary shall perform such addi-
22 tional functions as the Secretary may prescribe."

23 (b) Section 2 of Reorganization Plan Numbered 1 of
24 1953, as made effective April 1, 1953, by Public Law 83-13,
25 is amended by striking out "two" and inserting in lieu thereof

1 “three”; and paragraph (17) of subsection (d) of section
2 303 of the Federal Executive Salary Act of 1964 is amended
3 by striking out “(2)” and inserting in lieu thereof “(3)”.

4 SEC. 2. Such Act is further amended by redesignating
5 sections 2 through 4 and references thereto, as sections 3
6 through 5, respectively, sections 5 through 14, as sections 7
7 through 16, respectively, by inserting after section 1 the fol-
8 lowing new section:

9 “FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

10 “SEC. 2. Effective ninety days after the date of enact-
11 ment of this section there is created within the Department of
12 Health, Education, and Welfare a Federal Water Pollution
13 Control Administration (hereinafter in this Act referred to as
14 the “Administration”). The head of the Administration
15 shall be appointed, and his compensation fixed, by the Sec-
16 retary, and shall, through the Administration, administer
17 sections 3, 4, 10, and 11 of this Act and such other provisions
18 of this Act as the Secretary may prescribe. The head of the
19 Administration may, in addition to regular staff of the Ad-
20 ministration, which shall be initially provided from personnel
21 of the Department, obtain, from within the Department or
22 otherwise as authorized by law, such professional, technical,
23 and clerical assistance as may be necessary to discharge the
24 Administration’s functions and may for that purpose use
25 funds available for carrying out such functions.”

1 SEC. 3. Such Act is further amended by inserting after
2 the section redesignated as section 5 a new section as follows:

3 “GRANTS FOR RESEARCH AND DEVELOPMENT

4 “SEC. 6. The Secretary is authorized to make grants to
5 any State, municipality, or intermunicipal or interstate
6 agency for the purpose of assisting in the development of any
7 project which will demonstrate a new or improved method of
8 controlling the discharge into any waters of untreated or
9 inadequately treated sewage or other waste from sewers
10 which carry storm water or both storm water and sewage or
11 other wastes, and for the purpose of reports, plans, and
12 specifications in connection therewith.

13 “Federal grants under this section shall be subject to
14 the following limitations: (1) No grant shall be made for
15 any project pursuant to this section unless such project shall
16 have been approved by an appropriate State water pollu-
17 tion control agency or agencies and by the Secretary; (2)
18 no grant shall be made for any project in an amount exceed-
19 ing 50 per centum of the estimated reasonable cost thereof
20 as determined by the Secretary; (3) no grant shall be made
21 for any project under this section unless the Secretary deter-
22 mines that such project will serve as a useful demonstration
23 of a new or improved method of controlling the discharge
24 into any water of untreated or inadequately treated sewage

1 or other waste from sewers which carry storm water or both
2 storm water and sewage or other wastes.

3 “There are hereby authorized to be appropriated for
4 the fiscal year ending June 30, 1965, and for each of the
5 next three succeeding fiscal years, the sum of \$20,000,000
6 per fiscal year for the purpose of making grants under this
7 section. Sums so appropriated shall remain available until
8 expended. No grant shall be made for any project in an
9 amount exceeding 5 per centum of the total amount author-
10 ized by this section in any one fiscal year.”

11 SEC. 4. (a) Clause (2) of subsection (b) of the sec-
12 tion of the Federal Water Pollution Control Act herein
13 redesignated as section 8 is amended by striking out
14 “\$600,000,” and inserting in lieu thereof “\$1,000,000,”.

15 (b) The second proviso in clause (2) of subsection (b)
16 of such redesignated section 8 is amended by striking out
17 “\$2,400,000,” and inserting in lieu thereof “\$4,000,000,”.

18 (c) Subsection (f) of such redesignated section 8 is
19 redesignated as subsection (g) thereof and is amended by
20 adding at the end thereof the following new sentence: “The
21 Secretary of Labor shall have, with respect to the labor
22 standards specified in this subsection, the authority and
23 functions set forth in Reorganization Plan Numbered 14 of

1 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z 15)
2 and section 2 of the Act of June 13, 1934, as amended
3 (48 Stat. 948; 40 U.S.C., 276 (c)).”

4 (d) Such redesignated section 8 is further amended
5 by inserting therein, immediately after subsection (e)
6 thereof, the following new subsection:

7 “(f) Notwithstanding any other provisions of this sec-
8 tion, the Secretary may increase the amount of a grant
9 made under this section by 10 per centum for any project
10 which has been certified to him by an official State, metro-
11 politan, or regional planning agency empowered under State
12 or local laws or interstate compact to perform metropolitan
13 or regional planning for a metropolitan area within which
14 the assistance is to be used, or other agency or instru-
15 mentality designated for such purposes by the Governor (or
16 Governors in the case of interstate planning) as being in con-
17 formity with the comprehensive plan developed or in process
18 of development for such metropolitan area. For the purposes
19 of this subsection, the term ‘metropolitan area’ means either
20 (1) a standard metropolitan statistical area as defined by the
21 Bureau of the Budget, except as may be determined by the
22 President or by the Bureau of the Budget as not being ap-
23 propriate for the purposes hereof, or (2) any urban area,
24 including those surrounding areas that form an economic
25 and socially related region, taking into consideration such

1 factors as present and future population trends and patterns
2 of urban growth, location of transportation facilities and sys-
3 tems, and distribution of industrial, commercial, residential,
4 governmental, institutional, and other activities, which in
5 the opinion of the President or the Bureau of the Budget
6 lends itself as being appropriate for the purposes hereof.”

7 SEC. 5. (a) Redesignated section 10 of the Federal
8 Water Pollution Control Act is amended by redesignating
9 subsections (c) through (i) as subsections (d) through (j).

10 (b) Such redesignated section 10 of the Federal Water
11 Pollution Control Act is further amended by inserting after
12 subsection (b) the following:

13 “(c) (1) In order to carry out the purposes of this
14 Act, the Secretary may, after reasonable notice and public
15 hearing and in consultation with the Secretary of the Interior
16 and with other Federal agencies, with State and interstate
17 water pollution control agencies, and with municipalities and
18 industries involved, prepare regulations setting forth stand-
19 ards of water quality to be applicable to interstate waters or
20 portions thereof.

21 “(2) The Secretary shall also call such a public hearing
22 on his own motion or when petitioned to do so by the Gov-
23 ernor of any State subject to or affected by the water
24 quality standards set pursuant to this subsection for the
25 purpose of considering a revision in such standards.

1 “(3) Such standards of quality shall be such as to pro-
2 tect the public health and welfare and serve the purposes
3 of this Act. In establishing standards designed to enhance
4 the quality of such waters, the Secretary shall take into con-
5 sideration their use and value for public water supplies,
6 propagation of fish and wildlife, recreational purposes, and
7 agricultural, industrial, and other legitimate uses.

8 “(4) The Secretary shall promulgate the standards
9 pursuant to this subsection with respect to any waters only if,
10 within a reasonable time after being requested by the Sec-
11 retary to do so, the appropriate States and interstate agencies
12 have not developed standards found by the Secretary to be
13 consistent with paragraph (3) of this subsection and ap-
14 plicable to such interstate waters or portions thereof.

15 “(5) The discharge of matter into such interstate
16 waters, which reduces the quality of such waters below the
17 water quality standards promulgated by the Secretary pur-
18 suant to paragraph (4) of this subsection or established by
19 the appropriate State or interstate agencies consistent with
20 paragraph (3) of this subsection (whether the matter caus-
21 ing or contributing to such reduction is discharged directly
22 into such waters or reaches such waters after discharge into
23 tributaries of such waters), is subject to abatement in ac-
24 cordance with the provisions of this section.

25 “(6) Nothing in this subsection shall (a) prevent the

1 application of this section to any case to which subsection
2 (a) of this section would otherwise be applicable, or (b)
3 extend Federal jurisdiction over water not otherwise author-
4 ized by this Act.”

5 (c) Paragraph (1) of redesignated subsection (d) of
6 the section of the Federal Water Pollution Control Act
7 herein redesignated as section 10 is amended by striking out
8 the final period after the third sentence of such subsection and
9 inserting the following in lieu thereof: “; or he finds that
10 substantial economic injury results from the inability to
11 market shellfish or shellfish products in interstate commerce
12 because of pollution referred to in subsection (a) and action
13 of Federal, State, or local authorities.”

14 (d) Redesignated subsection (h) of the section of the
15 Federal Water Pollution Control Act herein redesignated as
16 section 10 is amended by inserting after the word “of prac-
17 ticability” in the second sentence thereof, the words “of
18 complying with such standards as may be applicable”.

19 SEC. 6. The section of the Federal Water Pollution
20 Control Act hereinbefore redesignated as section 12 is
21 amended by adding at the end thereof the following new
22 subsections:

23 “(d) Each recipient of assistance under this Act shall
24 keep such records as the Secretary shall prescribe, including

1 records which fully disclose the amount and disposition by
2 such recipient of the proceeds of such assistance, the total
3 cost of the project or undertaking in connection with which
4 such assistance is given or used, and the amount of that por-
5 tion of the cost of the project or undertaking supplied by
6 other sources, and such other records as will facilitate an
7 effective audit.

8 “(e) The Secretary of Health, Education, and Welfare
9 and the Comptroller General of the United States, or any of
10 their duly authorized representatives, shall have access for
11 the purpose of audit and examination to any books, docu-
12 ments, papers, and records of the recipients that are pertinent
13 to the grants received under this Act.”

14 SEC. 7. (a) Section 7 (f) (6) of the Federal Water Pol-
15 lution Control Act, as that section is redesignated by this
16 Act, is amended by striking out “section 6 (b) (4)” as con-
17 tained therein and inserting in lieu thereof “section 8 (b)
18 (4)”.

19 (b) Section 8 of the Federal Water Pollution Control
20 Act, as that section is redesignated by this Act, is amended
21 by striking out “section 5” as contained therein and inserting
22 in lieu thereof “section 7”.

23 (c) Section 10 (b) of the Federal Water Pollution Con-
24 trol Act, as that section is redesignated by this Act, is
25 amended by striking out “subsection (g)” as contained

1 therein and inserting in lieu thereof “subsection (h) ”.

2 (d) Section 10 (i) of the Federal Water Pollution Con-
3 trol Act, as that section is redesignated by this Act, is
4 amended by striking out “subsection (e) ” as contained
5 therein and inserting in lieu thereof “subsection (f) ”.

6 (e) Section 11 (a) of the Federal Water Pollution Con-
7 trol Act, as that section is redesignated by this Act, is
8 amended by striking out “section 8 (c) (3) ” as contained
9 therein and inserting in lieu thereof “section 10 (d) (3) ” and
10 by striking out “section 8 (e) ” and inserting in lieu thereof
11 “section 10 (f) ”.

12 SEC. 8. This Act may be cited as the “Water Quality
13 Act of 1965”.

A BILL

To amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes.

By Mr. MUSKIE, Mr. BARTLETT, Mr. BAYH, Mr. BOGGS, Mr. BREWSTER, Mr. CLARK, Mr. DOUGLAS, Mr. FONG, Mr. GRUENING, Mr. HART, Mr. INOUYE, Mr. KENNEDY of Massachusetts, Mr. LONG of Missouri, Mr. MAGNUSON, Mr. MCCARTHY, Mr. MCGEE, Mr. METCALF, Mr. MILLER, Mr. MOSS, Mr. NELSON, Mrs. NEUBERGER, Mr. PEARSON, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, and Mr. YOUNG of Ohio

JANUARY 6, 1965

Read twice and referred to the Committee on Public Works

Instead of equipping itself with an adequate number of experts and technicians to examine every detail of the appropriation requests submitted by executive branch agencies and departments, the Congress has been content to limp along without the staff assistance and fiscal data and information it requires. Thus, aside from the overburdened housekeeping staffs of the Senate and House Appropriations Committees, which cannot possibly make the kind of analysis of budget requests which is necessary in the time available, members of the Appropriations Committees are forced to rely upon the testimony of representatives of the executive branch who formulate the programs and present them in a light most favorable to their purposes. Furthermore, they usually tell us only as little or as much as they desire to disclose.

Accordingly, on January 19, 1950, I introduced a bill, S. 2898, which was similar, in many respects, to the pending bill. The committee studied the bill and revised it, but took no further action on it during the 81st Congress. Thereafter, the committee reported favorably, and the Senate passed, in the 82d, 83d, 84th, 85th, 87th, and 88th Congresses, virtually identical bills proposing the creation of a Joint Committee on the Budget. On each occasion, following Senate passage, the measure was permitted to die in the House of Representatives.

In each Congress, these bills were cosponsored by a substantial majority of the Members of the Senate. In the 85th Congress, 71 Members of a total of 96 cosponsored the measure; in the 87th Congress, there were 67 cosponsors; and in the 88th Congress, the bill had the largest number of sponsors it has ever had—77 Senators.

As majority leader in the Senate, President Johnson gave his active support to this proposed legislation, which passed the Senate unanimously in each of these Congresses. In his state of the Union message to the Congress on January 4, 1965, the President set out as a part of his national agenda, a proposal to "make an all-out campaign against waste and inefficiency." The President stated that he would submit special messages with detailed proposals for national action with this objective in mind. I know of no better way for the Congress to support the President's program for promoting economy and efficiency in Government than by the passage of this bill. It conforms specifically with his stated objective that "we will continue along the path toward a balanced budget in a balanced economy."

This bill is also in accord with the President's statement that wherever waste is found in Government, it will be eliminated.¹ This legislation, if enacted into law, will aid the President in attaining this objective.

President Kennedy joined as a cosponsor of this proposed legislation, as a U.S. Senator, in the 85th Congress. President Eisenhower, on December 2, 1959, released a memorandum prepared by the Director of the Bureau of the

Budget setting forth proposals directed toward effecting improvements in budgeting, which included the proposal to create a Joint Committee on the Budget stating that its "objective is in line with the viewpoint expressed in the budget message," as a budget reform requiring congressional initiative and action. The proposal to create a Joint Committee on the Budget was also approved by Mr. Frederick Lawton, Director of the Bureau of the Budget in the Truman administration.

It appears perfectly clear that the conditions which prompted the introduction of this measure, in 1950, and its initial passage by the U.S. Senate, in 1952, have in no way diminished. On the contrary, they have increased with the rising cost of Government and the swelling of the national debt. We have only to compare our national expenditures budget of \$39.5 billion in fiscal year 1950, and \$65.3 billion in fiscal year 1952, with the fiscal year 1965 estimate of \$97.9 billion, to get the full impact of the current picture. If that is not sufficient, compare, if you will, our national debt of \$257.3 billion in 1950, and \$259.1 billion in 1952, with the \$312 billion which constituted our national debt as of June 30, 1964—an increase since June 30, 1952, of in excess of \$53 billion in the national debt alone.

An additional important factor to be considered in connection with this bill is the breakdown in our appropriations procedure which occurred during the 87th Congress, and which is a matter of the greatest concern to all of us. It is my firm conviction that if this bill had been enacted into law earlier, and the proposed joint committee had been in operation, this breakdown would not have occurred. I say this because I believe that the establishment of a Joint Committee on the Budget will be conducive to a better cooperation and a spirit of working in harmony between the two Appropriations Committees of the Congress. If we can have members of these committees working together, each receiving the same information, each using the same tools, and each relying on the technical advice and information furnished by a joint staff, they will be able to obtain more complete information and to evaluate more intelligently the budget requests made by the various agencies of Government. This, in turn, should go a long way toward removing the frictions and disagreements which have cropped up between the two bodies, from time to time, in connection with the appropriation process.

Mr. President, although the Senate has been endeavoring, for more than 14 years, to effect the necessary improvements in the fiscal operations of the legislative process, the House of Representatives has so far failed to act favorably on this proposal. I am convinced that a majority of the Members of that body are as much interested in correcting serious deficiencies in the appropriation procedures of the Congress as are Members of the Senate. This is evidenced by the fact that to my knowledge 26 Members of the House had introduced iden-

tical or similar bills when the staff of the Committee on Government Operations made a count of such bills early in the first session of the 88th Congress.

Mr. President, in closing, may I say that it is my sincere and fervent hope that this or a similar measure will be enacted into law at this session of the Congress. The American taxpayer has a very real and vital stake in this legislation. We should not fail him.

Mr. President, among the sponsors of the bill which I am introducing today are included all members of the Committee on Government Operations, which has reported this measure to the Senate in preceding Congresses. In view of the interest numerous other Senators have manifested in this proposed legislation, I ask unanimous consent that the bill may be held at the desk for 10 days, so that other Members of the Senate who may desire to do so may include their names as cosponsors.

The PRESIDENT pro tempore. Without objection, the bill will be held at the desk as requested; and will be appropriately referred.

The bill (S. 2) to amend the Legislative Reorganization Act of 1946 to provide for more effective evaluation of the fiscal requirements of the executive agencies of the Government of the United States, introduced by Mr. McCLELLAN (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Government Operations.

PUBLIC WORKS AND OTHER ECONOMIC DEVELOPMENT PROGRAMS

Mr. RANDOLPH. Mr. President, I introduce, for appropriate reference, a bill to provide public works and other economic development programs for the rehabilitation of the economy of the Appalachian region. I ask unanimous consent that the measure be held at the desk until the close of business on next Thursday, January 14, that other Senators may have the opportunity to join in sponsorship.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3) to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region introduced by Mr. RANDOLPH (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Public Works.

Mr. RANDOLPH. Mr. President, Members will recall that the Senate, on September 25, 1964, passed the Appalachian Regional Development Act of 1964 by a vote of 45 to 13. Unfortunately, during the closing days of the 88th Congress, the other body was unable to bring the legislation to a vote.

Since the adjournment of the 88th Congress President Johnson has repeatedly expressed his desire for early action on the Appalachian program by the 89th Congress, and has ranked this

bill among the highest priority measures of his legislative program.

I am gratified that our esteemed majority leader [Mr. MANSFIELD] concurred in this judgment on a "Meet the Press" telecast last Sunday evening, and expressed the conviction that this would be the first major legislation passed by the Senate in the 89th Congress.

Mr. President, during the adjournment I had occasion to visit a number of communities in the Appalachian region, in other States as well as the State of West Virginia. I found a deep-seated and continuing interest in this legislation which has already stimulated much thought and planning at the local and State levels. The people of Appalachia are anxious for the enactment of this program so that their region also may begin to move toward the great society which the President eloquently depicted in his state of the Union message.

Mr. President, in this connection, I invite attention to the fact that there are 35 Senators whose names are on the bill which I have presented to the Senate. I wish to make special reference to the cosponsorship of the eminent Senator from Kentucky [Mr. COOPER], who was most active in the development of this measure in the 88th Congress. I do this in a sense because sponsors of the measure come from all sections of the country and from both parties.

The measure is substantially the same bill passed by this body last year by a majority of more than three to one. I, therefore, endorse the view expressed by the majority leader that the bill should not require extensive hearings. It is my hope that the Committee on Public Works will conduct brief but adequate hearings, then complete committee action on the measure, and report it to the Senate before the end of January.

Mr. President, I ask unanimous consent that the bill lie at the desk for 5 days so that others who wish to do so may have an opportunity to join as cosponsors.

The PRESIDENT pro tempore. Without objection, the bill will lie at the desk, as requested by the Senator from West Virginia.

Mr. COOPER. Mr. President, I am glad to join my good friend, the distinguished senior Senator from West Virginia [Mr. RANDOLPH], in introducing the proposed Appalachian Regional Development Act of 1965—S. 3—which is similar to the bill we worked to develop in the last Congress, and which the Senate passed by a vote of 45 to 13 before adjournment.

The programs proposed in this bill represent the work of the Appalachian Governors, the work which we in the Senate began over 6 years ago, and the great interest which both President Kennedy and President Johnson have given to this region.

I have spoken often on this subject, for I know well the conditions in eastern Kentucky and throughout Appalachia. For some 175 years, my family has lived in this great region. The people are of pioneer stock and through many generations have been ever faithful to the needs of their country. The spirit of its people is high despite the unhappy and contin-

uing problem of unemployment. But the development program proposed in this bill is required if our communities are to build the facilities to encourage industry to use the great resources that exist in the region. Increased flood protection, new highways and airports, more health and education facilities, and increased efforts at land improvement are vital.

This bill, S. 3, which we introduced today, authorizes the same expenditure of \$1,077 million over a period of 5 years, stated in the bill which I was pleased to cosponsor with Senator RANDOLPH in the Senate last year. We are, though, proposing to increase the total authorized road system mileage from 2,850 to 3,350 miles across the region, including 1,000 miles of access roads instead of the figure of 500 miles in the bill last year. The \$840 million for highway construction, providing up to 70 percent as the Federal share, is a basic program in this legislation, for roads will open isolated areas in Kentucky and in other Appalachian States to industry, to tourism, and to a fuller life for the people of the area.

In addition to the increase in authorized road mileage, this bill would place greater responsibilities and authority on the States, and I am sure that this will be welcomed by the States. This emphasis on the approval of programs at the local and State level, along with the incentives for private investment, will do much both to close the economic gap between this section and other regions of the United States, and to raise the standards of living.

The Appalachian development program is the result of much study. It is directed to a great and evident need. If the Congress approves this program providing support for transportation and flood protection, as well as for education and community development, then the 15 million people living in the hills and valleys in the Appalachian regions of 11 States—including eastern Kentucky—can work to achieve the same levels of abundance that are found in most of America.

I am grateful to my friend from West Virginia for his work and for his kind words. I will join him in the Public Works Committee to secure the earliest possible hearings and to bring this bill before the Senate. I hope others will again join with us in support of this bill. It will benefit Appalachian States, but it will also benefit the Nation.

THE WATER QUALITY ACT OF 1965

Mr. MUSKIE. Mr. President, I introduce, for appropriate reference, a bill (S. 4) amending the Federal Water Pollution Control Act, as amended.

This legislation is, with two exceptions, identical to that which passed the Senate on October 16, 1963, and in which 21 Members of this body joined me as cosponsors. I would add that the legislation was approved by the Senate by a vote of 69 yeas and 11 nays, and of the 20 Members not voting, 15 announced themselves as favoring its passage. The House Public Works Committee reported an amended version during the closing days of the 88th Congress. However, no

further action was taken by the other body.

The bill which I am introducing is cosponsored by 25 of my colleagues, including all members of our Subcommittee on Air and Water Pollution. It is a bipartisan measure directed toward improving the quality of our water resources and making more effective our programs for the control and abatement of water pollution.

This proposal is consistent with and supports the objectives outlined by President Johnson in his state of the Union message, in which he called for an expanded conservation program as part of our effort to achieve the great society:

For over 3 centuries the beauty of America has sustained our spirit and has enlarged our vision. We must act now to protect this heritage. In a fruitful new partnership with the States and cities the next decade should be a conservation milestone.

We will seek legal power to prevent pollution of our air and water before it happens. We will step up our effort to control harmful wastes, giving just priority to the cleanup of our most contaminated rivers. We will increase research to learn much more about the control of pollution.

These objectives and approaches are reflected in S. 4.

As I mentioned previously, this legislation is, with two exceptions, identical to S. 649, as approved by this body October 16, 1963. The sections deleted were those relating to the control and abatement of pollution from Federal installations and the problem of nondegradable detergents.

The Federal installations section was eliminated from this bill because similar problems with respect to Federal installations are present in the field of air pollution, as well as water pollution. In addition, there were other matters relating to Federal activities in both fields which require separate and more complete consideration. Because of these factors it was decided to cover these matters in separate legislation which will be introduced within a week.

The detergents section was deleted because the members of the coal and detergent industry have reported changes in their schedules for supplying the market with detergents which will degrade more readily than those presently on the market. In view of this change in schedule, it is considered advisable to conduct additional hearings on the detergent problem to determine the type or need of corrective legislation.

S. 4 includes the following proposals which were contained in S. 649 as it passed the Senate in October 1963:

First. To establish an additional position of Assistant Secretary of Health, Education, and Welfare to help the Secretary to administer the Federal Water Pollution Control Act.

Second. To create a Federal Water Pollution Control Administration to administer sections 3, comprehensive programs; 4, interstate cooperation and uniform laws; 10, enforcement measures; and 11, to control pollution from Federal installations.

Third. To authorize appropriations for fiscal year ending June 30, 1965, and for 3 succeeding fiscal years in the

amount of \$20 million annually for grants for research and development to demonstrate a new or improved method of controlling discharge of sewage from combined sewers.

Fourth. To increase grants to individual sewage treatment projects from \$600,000 to \$1 million and to allow multimunicipal combinations to be allowed grant increases from \$2,400,000 to \$4 million.

There is also a provision which allows for an increase of 10 percent in construction grants for treatment plants where comprehensive metropolitan planning has been carried out and where the treatment plants are part of such comprehensive plans.

Fifth. To provide procedures for the establishment of standards of quality applicable to interstate waters.

Sixth. To authorize the Secretary of Health, Education, and Welfare to initiate abatement where he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution of interstate or navigable waters and action of Federal, State, or local authorities.

Seventh. To provide for audits where Federal funds are utilized and the normal requirements for technical amendments.

The need for the acceleration of sewage treatment plant construction and for the correction of the problem of combined sewers is no less urgent than when I introduced S. 649 in January of 1963, or when it passed the Senate in October of that year. As a matter of fact, the delay in enactment of legislation has created a greater backlog of needs in correcting the Nation's water pollution problems.

Today our older cities are faced with the necessity of separating their combined storm and sanitary sewers or devising means whereby the discharge of runoff from city streets are gradually fed through treatment plants to prevent overloading of treatment systems and the discharge of untreated sewage into public waterways. The correction of the problem of combined sewers requires huge expenditures on the part of the communities. In order to encourage and assist these hard-pressed cities it is essential that Federal encouragement be provided. The \$20 million authorization could not correct the problem, but would furnish an incentive to attack it.

The importance of establishing water quality standards in our interstate water system is gaining more recognition and support. While this would be a new provision in Federal legislation, it is by no means a new or novel approach to aiding in the improvement of water quality and in the proper management of our water resources. We all recognize that the availability of water of good quality is a necessity for our economic and industrial growth. It is essential to the achievement of the great society.

The development and application of water quality standards would enable us to establish objectives and guidelines on the use of our waters and to prevent the misuse and abuse of this vital resource.

Water quality standards would provide techniques which could, in many in-

stances, help us to avoid the necessity for enforcement action. Under present law and procedures nothing is done until pollution has reached the point where it endangers the health or welfare of many people. Then abatement action is taken and efforts are made to correct a situation which could have been prevented if standards of water quality had been established; municipalities and industries could develop realistic plans for new plants or expanded facilities, without uncertainties about waste disposal limitations which may be imposed.

In my own State, as in others, our previously abundant shellfish-producing waters have been immeasurably harmed through disposal of deleterious wastes. The economic losses to shellfishermen have been catastrophic. S. 4 could provide them with effective protection for the first time.

For the program of sewage treatment facilities to be of greater benefit to our larger communities the limitation on individual and multimunicipal grants needs to be raised. The present ceilings are unrealistic when applied to the considerably greater expenditures which a larger city must bear in installing necessary treatment works. In application, the grants approximate as little or less than 10 percent of the costs involved, and thus they fail to achieve what is at once a primary and necessary objective of the grant program—the incentive to develop local projects for the control and abatement of water pollution.

S. 4 would authorize the establishment of an additional Assistant Secretary to help in the responsibility of the Department to oversee this important sphere of activities. There would also be authorized a Federal Water Pollution Control Administration to carry out certain functions of the Federal Water Pollution Control Act, thus accomplishing two purposes.

First, the new administration would elevate the status of our water pollution control and abatement programs to a more appropriate and effective level in the Department. Second, it would free the Public Health Service to concentrate in its primary concern with health in the water pollution field as it is in other areas.

I ask unanimous consent that the complete text of the bill, and a section-by-section analysis of the bill, be printed in the RECORD at this point:

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analyses will be printed in the RECORD.

The bill (S. 4) to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes, introduced by Mr. MUSKIE (for himself and other Senators), was received, read twice by its title, referred to the Com-

mittee on Public Works, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) section 1 of the Federal Water Pollution Control Act (33 U.S.C. 466) is amended by inserting after the words "section 1." a new subsection (a) as follows:

"(a) The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution."

(2) Such section is further amended by redesignating subsections (a) and (b) thereof as (b) and (c) respectively.

(3) Subsection (b) of such section (as redesignating by paragraph (2) of this subsection) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: "The Secretary of Health, Education, and Welfare (hereinafter in this Act called 'Secretary') shall administer this Act and, with the assistance of an Assistant Secretary of Health, Education, and Welfare designated by him, shall supervise and direct the head of the Water Pollution Control Administration created by section 2 and the administration of all other functions of the Department of Health, Education, and Welfare related to water pollution. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe."

(b) Section 2 of Reorganization Plan Numbered 1 of 1953, as made effective April 1, 1953, by Public Law 83-13, is amended by striking out "two" and inserting in lieu thereof "three"; and paragraph (17) of subsection (d) of section 303 of the Federal Executive Salary Act of 1964 is amended by striking out "(2)" and inserting in lieu thereof "(3)".

SEC. 2. Such Act is further amended by redesignating sections 2 through 4 and references thereto, as sections 3 through 5, respectively, sections 5 through 14, as sections 7 through 16 respectively, by inserting after section 1 the following new section:

**"FEDERAL WATER POLLUTION CONTROL
ADMINISTRATION**

"SEC. 2. Effective ninety days after the date of enactment of this section there is created within the Department of Health, Education, and Welfare a Federal Water Pollution Control Administration (hereinafter in this Act referred to as the "Administration"). The head of the Administration shall be appointed, and his compensation fixed, by the Secretary, and shall, through the Administration, administer sections 3, 4, 10, and 11 of this Act and such other provisions of this Act as the Secretary may prescribe. The head of the Administration may, in addition to regular staff of the Administration, which shall be initially provided from personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions."

SEC. 3. Such Act is further amended by inserting after the section redesignated as section 5 a new section as follows:

"GRANTS FOR RESEARCH AND DEVELOPMENT

"SEC. 6. The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from sewers which carry storm water or

both storm water and sewage or other wastes, and for the purpose of reports, plans, and specifications in connection therewith.

"Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by an appropriate State water pollution control agency or agencies and by the Secretary; (2) no grant shall be made for any project in an amount exceeding 50 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration of a new or improved method of controlling the discharge into any water of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes.

"There are hereby authorized to be appropriated for the fiscal year ending June 30, 1965, and for each of the next three succeeding fiscal years, the sum of \$20,000,000 per fiscal year for the purpose of making grants under this section. Sums so appropriated shall remain available until expended. No grant shall be made for any project in an amount exceeding 5 per centum of the total amount authorized by this section in any one fiscal year."

SEC. 4. (a) Clause (2) of subsection (b) of the section of the Federal Water Pollution Control Act herein redesignated as section 8 is amended by striking out "\$600,000," and inserting in lieu thereof "\$1,000,000."

(b) The second proviso in clause (2) of subsection (b) of such redesignated section 8 is amended by striking out "\$2,400,000," and inserting in lieu thereof "\$4,000,000."

(c) Subsection (f) of such redesignated section 8 is redesignated as subsection (g) thereof and is amended by adding at the end thereof the following new sentence: "The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z 15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276(c))."

(d) Such redesignated section 8 is further amended by inserting therein, immediately after subsection (e) thereof, the following new subsection:

"(f) Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant made under this section by 10 per centum for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term 'metropolitan area' means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President or by the Bureau of the Budget as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President or the Bureau of the Budget lends itself as being appropriate for the purposes hereof."

SEC. 5. (a) Redesignated section 10 of the Federal Water Pollution Control Act is amended by redesignating subsections (c) through (i) as subsections (d) through (j).

(b) Such redesignated section 10 of the Federal Water Pollution Control Act is further amended by inserting after subsection (b) the following:

"(c)(1) In order to carry out the purposes of this Act, the Secretary may, after reasonable notice and public hearing and in consultation with the Secretary of the Interior and with other Federal agencies, with State and interstate water pollution control agencies, and with municipalities and industries involved, prepare regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof.

"(2) The Secretary shall also call such a public hearing on his own motion or when petitioned to do so by the Governor of any State subject to or affected by the water quality standards set pursuant to this subsection for the purpose of considering a revision in such standards.

"(3) Such standards of quality shall be such as to protect the public health and welfare and serve the purposes of this Act. In establishing standards designed to enhance the quality of such waters, the Secretary shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.

"(4) The Secretary shall promulgate the standards pursuant to this subsection with respect to any waters only if, within a reasonable time after being requested by the Secretary to do so, the appropriate States and interstate agencies have not developed standards found by the Secretary to be consistent with paragraph (3) of this subsection and applicable to such interstate waters or portions thereof.

"(5) The discharge of matter into such interstate waters, which reduces the quality of such waters below the water quality standards promulgated by the Secretary pursuant to paragraph (4) of this subsection or established by the appropriate State or interstate agencies consistent with paragraph (3) of this subsection (whether the matter causing or contributing to such reduction is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters), is subject to abatement in accordance with the provisions of this section.

"(6) Nothing in this subsection shall (a) prevent the application of this section to any case to which subsection (a) of this section would otherwise be applicable, or (b) extend Federal jurisdiction over water not otherwise authorized by this Act."

(c) Paragraph (1) of redesignated subsection (d) of the section of the Federal Water Pollution Control Act herein redesignated as section 10 is amended by striking out the final period after the third sentence of such subsection and inserting the following in lieu thereof: "; or he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities."

(d) Redesignated subsection (h) of the section of the Federal Water Pollution Control Act herein redesignated as section 10 is amended by inserting after the word "practicability" in the second sentence thereof, the words "of complying with such standards as may be applicable."

SEC. 6. The section of the Federal Water Pollution Control Act hereinbefore redesignated as section 12 is amended by adding at the end thereof the following new subsections:

"(d) Each recipient of assistance under

this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(e) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act."

SEC. 7 (a) Section 7(f)(6) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 6(b)(4)" as contained therein and inserting in lieu thereof "section 8(b)(4)."

(b) Section 8 of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 5" as contained therein and inserting in lieu thereof "section 7".

(c) Section 10(b) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "subsection (g)" as contained therein and inserting in lieu thereof "subsection (h)".

(d) Section 10(i) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "subsection (e)" as contained therein and inserting in lieu thereof "subsection (f)".

(e) Section 11(a) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 8(c)(3)" as contained therein and inserting in lieu thereof "section 10(d)(3)" and by striking out "section 8(e)" and inserting in lieu thereof "section 10(f)".

SEC. 8. This Act may be cited as the "Water Quality Act of 1965".

The section-by-section analyses, presented by Mr. MUSKIE are as follows:

SECTION-BY-SECTION ANALYSES OF AMENDMENTS PROPOSED TO FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED

Section 1. National water pollution control policy: Adds new subsection (a) to section 1 of act stating the act's purpose to enhance the quality and value of our water resources and to establish a national policy for the preservation, control, and abatement of water pollution.

Section 1 of the act would be further amended by redesignating subsections (a) and (b) and (c) and amending subsection (b) to provide for an additional Assistant Secretary of Health, Education, and Welfare to assist the Secretary in administering the act by supervising and directing the head of the Water Pollution Control Administration created by section 2 of the bill and administering all other functions of the Department related to water pollution. Other duties could be assigned as desired by the Secretary.

Section 2. Federal Water Pollution Control Administration: Redesignates sections and includes new section 2 in act creating the Federal Water Control Administration within the Department of Health, Education, and Welfare to administer redesignated sections 3 (comprehensive programs), 4 (interstate cooperation and uniform laws), 10 (enforcement measures), and 11 (to control pollution from Federal installations) of act. Responsibility for other provisions of the act could be assigned as the Secretary may prescribe.

Section 3. Grants for research and development: New section 6 provides authority for grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from combined sewers.

Grants would require approval of appropriate State authorities and projects must demonstrate new or improved methods of controlling discharges from combined sewers. Also grants would be limited to 50 percent of the estimated reasonable cost.

There would be authorized for appropriation \$20 million annually for 4 fiscal years starting with the fiscal year ending June 30, 1965. Grants to any project would be limited to 5 percent of total appropriations.

Section 4. Grants for construction: Redesignated section 8 is amended by increasing the dollar ceiling limitation on any grant for a single waste treatment plant construction project from \$600,000 to \$1 million. This section is also amended by increasing the dollar ceiling limitation on a grant for a project which will serve more than one municipality from \$2,400,000 to \$4 million.

Subsection (f) is redesignated as subsection (g) and additionally makes applicable the Secretary of Labor's labor standards enforcement authority to the present provisions making prevailing wage provisions of Davis-Bacon Act applicable to workers employed on grant-assisted projects.

New subsection (f) authorizes the Secretary to increase the amount of a grant by 10 percent for a project in a standard metropolitan area which is certified by an official State, metropolitan, or regional planning agency as being in conformity with a comprehensive plan for the metropolitan area.

Section 5. Enforcement measures against pollution of interstate or navigable waters: Redesignates subsections of redesignated section 10, (c) through (i) as subsections (d) through (j) and inserts new subsection (c) authorizing the Secretary, after notice and public hearing and in consultation with the Secretary of the Interior and other Federal agencies, State, and interstate water pollution control agencies, and municipalities and industries involved, to prepare regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof.

Directs the Secretary to also call a public hearing on his own motion or at a Governor's request to consider a revision in such standards. The standards of quality are to be such as to protect the public health and welfare and serve the purposes of the act. In establishing standards for enhancing water quality, the Secretary is to take into consideration their use and value for all legitimate water uses.

Directs the Secretary to promulgate the standards only if, following his request, State, and interstate agencies have not developed satisfactory standards.

Makes the discharge of matter, which reduces quality of interstate waters below the promulgated standards, subject to abatement under existing enforcement procedures.

Provides that this subsection does not prevent the application of enforcement measures to applicable cases and does not extend Federal jurisdiction over water not otherwise authorized by the act.

Paragraph (1) of redesignated subsection (d) of redesignated section 10 directs the Secretary to call an enforcement conference whenever he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution of interstate or navigable waters and action of Federal, State, and local health authorities.

Redesignated subsection (b) of redesignated section 10 provides that in addition to requiring that the court, in enforcement cases, give not only due consideration of the practicability and the physical and economic feasibility of securing abatement of any pollution proved but consider also the practicability of complying with such standards as may be applicable.

Section 6. Administration: Adds new subsection (d) to provide that recipients of assistance under the act shall keep such records as prescribed by the Secretary for audit purposes.

Section 7. Provides for technical amendments.

COLLEGE STUDENT ASSISTANCE

Mr. HARTKE. Mr. President, the greatest natural resource of this Nation today is no longer its mineral reserves, its oilfields, or its traditional riches whose past exploitation have built our economy. Rather, today's greatest natural resource is the potential of a well-educated, competent populace fitted to lead the Nation into the space-age era with all its material and human complexities.

This realization, with the new demands it makes upon us for assuring the sound educational development of all our youth without regard to their economic status, or that of their families, has been growing. The magnitude of the need, and the vast potential reward to the Nation in providing training for all qualified youth to the limit of their abilities, has become even more apparent than it was last February when I first introduced the Hartke college student assistance bill, then S. 2490.

That bill received hearings last year before the Education Subcommittee and was favorably reported, with amendments, as S. 3140, which remained on the calendar at adjournment. Today I am offering a new version of the Higher Education Student Assistance Act. Since one portion of my earlier bill was absorbed in the amendments to the National Defense Education Act last year, S. 5 is comprised of three rather than four portions: First, a program of student grants doubled in size over the previous proposal; second, a work-study program identical to the proposal of last year, which on a small scale is now a part of the antipoverty program; and third, a most substantially increased student loan insurance venture, containing a number of changes from the 1964 bill.

All three portions of this comprehensive student assistance act would run for an authorized 4-year period. The undergraduate student grants would aid 100,000 students in the first year, with an additional 100,000 in each of the following 3 years at a cost of \$75 million per year, with a peak of \$300 million in the fourth year of the program. These student grants are intended to aid a student who has exhausted other possibilities—such as National Defense Education Act loans, parental assistance, or work-study grants. They are not intended to be scholarships in the usual sense that only the top-ranking academically qualified would receive them. They are intended, rather, to be the

necessary lift to put over the final financial barriers students accepted by the institution as capable of keeping up with the academic requirements, presumably including B and C as well as A students. Further, administration of the grants would be under the control of the institution rather than through the State commission structure outlined in the 1964 bill.

As I have already mentioned, the work-study provisions remain the same as in S. 2490. The cost would be \$250 million per year, which would aid 330,000 students annually.

Fully as important as these two portions, and in some ways the most vital as well as the least costly, is the guaranteed student loan provision toward which I have directed not only S. 2490 but other bills in the past.

Members of the Senate, I am sure, are familiar with the basic idea—a Federal insurance guarantee for loans arranged directly by the student with a lending institution. S. 5 calls for the insurance of loans up to a total of \$700 million in fiscal 1966, with an increase of \$100 million annually to a peak of \$1 billion in the fourth year. These figures, of course, are for gross amounts of insured loans, not by any means of cost to the Government, which will be quite minimal as to operation and reserves.

Other changes include, rather than insurance of 90 percent of the loan and interest, insurance of 100 percent of the loan but no insurance of the interest; eliminating involvement of the colleges except for certifying eligibility of the student as in good standing; extension of the borrowing privilege to all students who are carrying at least half of a full-time academic load; inclusion of vocational type institutions as well as academic; and an interest grant of 2 percent from the time the loan is made until the end of repayment.

We must give vigorous aid to all qualified to benefit by education and training for the new age that is upon us. To do so effectively, we need the kind of program provided by my bill. It provides help directly to the student, the very person we are seeking to benefit, rather than aiding him through his parents at second hand. It gives access to resources needed at whatever level is necessary—grants to maintain the hard-pressed student who has exhausted the resources of loans, work opportunities, and meager family backing or none at all; extension of the work-study principle to the benefit of both students and their institutions; and above all, the opportunity for low-cost loans, made from private sources, for which the student himself becomes responsible.

Such a package approach has secured the enthusiastic support and endorsement of the entire spectrum of educational experts, as last year's hearings showed. These include the National Education Association, the American Council on Education, the American Personnel and Guidance Association, the Association of State Universities and Land Grant Colleges, and many more.

There is also a strong support from Members of this body. I am pleased to

announce that the following Members have requested to be included at this time as cosponsors of the bill: Senators MUSKIE, MCGEE, RANDOLPH, GRUENING, CLARK, MCINTYRE, BURDICK, YARBOROUGH, INOUE, CANNON, KENNEDY of Massachusetts, CHURCH, MCGOVERN, PELL, and BAYH.

Mr. President, in order that others may consider the bill and join in its sponsorship, I ask that the complete text of S. 5 may appear in the RECORD at the close of my remarks, and that the bill lie on the table until the close of business on January 15.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will lie on the table as requested by the Senator from Indiana, and be printed in the RECORD.

The bill (S. 5) to provide assistance for students in higher education by establishing programs for student grants, loan insurance, and work-study introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Higher Education Student Assistance Act of 1965".

TITLE I—UNDERGRADUATE STUDENT GRANTS

Appropriations authorized

SEC. 101. There is hereby authorized to be appropriated \$75,000,000 for the fiscal year ending June 30, 1966, and for each of the three succeeding fiscal years for grants to persons who have not previously received grants under this title and who are selected for such grants by the institution of higher education in which they are enrolled or have been accepted for enrollment. In addition, there are authorized to be appropriated for the fiscal year ending June 30, 1967, and for each of the six succeeding fiscal years such sums as are necessary for making grants to individuals who have received grants under this title for previous years.

Amount and duration of student grants

SEC. 102. Any person who is determined by the institution of higher education in which he is enrolled or has been accepted for enrollment, in accordance with the provisions of the institution's plan approved under section 104, to need financial assistance to begin or continue his education as an undergraduate at such institution may be given a student grant under this title. Such a grant shall be based on the student's financial need for assistance during the academic year, but shall not exceed \$1,000 for such year or its equivalent.

Allotments to States and institutions

SEC. 103. (a) From the sums appropriated pursuant to the first sentence of section 101 for any fiscal year, the Commissioner shall set aside an allotment for each State which bears the same ratio to the amount so appropriated as the number of full-time undergraduate students enrolled in institutions of higher education in such State bears to the total number of such students enrolled in institutions of higher education in all of the States. The number of such students enrolled in institutions of higher education for purposes of this section shall be determined by the Commissioner for the most recent year for which satisfactory data are available to him.

(b) Sums appropriated pursuant to the second sentence of section 101 for any fiscal

year, shall be allotted among the States in such manner as the Commissioner determines as to be necessary to carry out the purposes for which such amounts are appropriated.

(c) From each State's allotment under subsection (a) there shall be allotted to each institution of higher education in the State an amount which bears the same ratio to the State's allotment as the number of full-time undergraduate students enrolled in such institution bears to the number of such students enrolled in all institutions of higher education in the State. Sums allotted to institutions of higher education which do not have plans approved under section 104 shall be reallocated among the other institutions of higher education in the State pro rata on the basis of their original allotments under this subsection. Subject to the provisions of the next sentence, the Commissioner shall pay from each State's allotment for each fiscal year to each institution which has a plan approved under section 104 the amount requested by the institution. Where the total requested by all institutions in a State is less than the State's allotment, the Commissioner may reallocate the remaining amount from time to time, on such date or dates as he may fix, among institutions which requested more than the amount allotted to them. Such reallocation shall be made in proportion to the original allotment, but with such adjustments as may be necessary to insure that no payment will be made in excess of the amount requested by the institution. Any amounts remaining after the Commissioner has carried out such reallocation may be reallocated within other States in the discretion of the Commissioner.

Plans for participating institutions

SEC. 105. (a) Any institution of higher education desiring to participate in the student grant program under this title may do so by submitting to the Commissioner a plan for such institution for carrying out the purposes of this title which the Commissioner approves under this section. No divinity school or seminary or similar institution shall be eligible to submit a plan under this title. The Commissioner shall approve any such plan which—

(1) provides that funds received pursuant to this title will be used only for making student grants in accordance with the plan; (2) provides for the selection of undergraduate students to receive grants, for determination of the amounts of such grants, and for determining the extent of financial need, in accordance with standards, procedures, and criteria which provide reasonable assurance—

(A) that the individuals selected to receive grants under this title will have the ability to pursue successfully, at the institution of higher education, the course of study he has selected, determined in accordance with the institution's regularly employed measures of aptitude and ability, and that the amount of each such grant for each year will be based solely on his need for financial assistance to continue his education at an institution of higher education, and

(B) that such individuals are exceptionally needy and but for the receipt of a student grant pursuant to this title would not pursue a course of study at an institution of higher education;

(3) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the institution under this title;

(4) provides that such a grant shall be paid in such installments as provided in the institution's plan, and that no payments shall be made for any period when the student is not maintaining satisfactory progress in the course of study which he is pursuing,

according to the regularly prescribed standards and practices of the institution which he is attending, or is not devoting essentially full time to educational work, except that failure to be in attendance for a short period of time where there is good cause in the judgment of the institution for nonattendance shall not disqualify a student from receiving further payments, or failure to be in attendance at an institution during vacation periods, periods of military service, or during other extended periods of time during which there is good cause in the judgment of the institution for nonattendance (during which periods he is receiving no payments) shall not terminate the grant; and

(5) provides for the making of such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this title.

(b) The Commissioner shall not finally disapprove any plan submitted under this title, or any modification thereof, without first affording the institution of higher education submitting the plan reasonable notice and opportunity for a hearing.

(c) In the case of any plan which has been approved by the Commissioner, if the Commissioner finds—

(1) that the plan has been so changed that it no longer complies with the provisions of subsection (a), or

(2) that in the administration of the plan there is a failure to comply substantially with such provisions,

the Commissioner shall notify such institution that the institution will not be regarded as eligible to participate in the program under this title until he is satisfied that there is no longer any such failure to comply.

Cost of education allowances

SEC. 106. In order partially to compensate institutions of higher education for expenses in excess of student tuition and other fees, incurred by such institutions in providing education to persons awarded student grants and receiving payments with respect thereto under this title, the Commissioner shall, in accordance with regulations, pay each institution which such a person attends during the major portion of each academic year for which such person receives student grant payments, the amount of \$350. There are hereby authorized to be appropriated such sums as may be necessary to make such payments.

Payments

SEC. 107. The Commissioner may arrange for the payment of the amounts due recipients of student grants and institutions under this title in accordance with section 405.

TITLE II—LOAN ASSISTANCE PROGRAM

Scope and duration of loan assistance program

SEC. 201. (a) For the purpose of facilitating loans to students in eligible institutions, eligible lenders may be insured by the Commissioner, on behalf of the United States, against losses on loans made by them to such students, on or after July 1, 1965, if made upon the conditions and within the limits specified in this title. The total principal amount of new loans to students covered by insurance under this title in any fiscal year ending before July 1, 1969, shall not exceed \$700,000,000 in the fiscal year ending June 30, 1966, \$800,000,000 in the fiscal year ending June 30, 1967, \$900,000,000 in the fiscal year ending June 30, 1968, and \$1,000,000,000 in the fiscal year ending June 30, 1969. Thereafter, insurance pursuant to this Act may be granted only for loans made (or for loan installments paid pursuant to lines of credit as defined in section 203) to enable students, who have obtained prior loans insured under this title, to continue or complete their educational program; but no

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6. LEGISLATIVE PROGRAM. Rep. Albert stated that the House would be in adjournment from Feb. 10 to Feb. 16 for observance of Lincoln's birthday. p. 1144

SENATE

7. BUDGET. Received the President's 1966 Budget (H. Doc. 15). pp. 1189-95. For excerpts from the Budget message and a table showing new obligational authority for this Department for fiscal years 1964 and 1965, and budget estimates for 1966, see Digest 16.

Sen. Clark commended and discussed the merits of the President's Budget. pp. 1290-5

Sen. Williams, Del., stated that "It is interesting to note that in this budget, although the Commodity Credit Corporation's losses are listed as \$3.2 billion, an appropriation of only \$2.3 billion are asked for in this connection. That means that \$900 million will not be reimbursed. This money, having been lost, whether it is reimbursed this year or next year, actually is an expenditure." p. 1289

The President's budget message includes legislative recommendations as follows: Extension and improvement of the wheat, feed grains, and cotton programs and the National Wool Act. Authorization of an insured rural housing loan program for 1966 of up to \$350 million in insured loans. Proposed legislation "under which insured private credit will replace most of the direct Federal loans for the rural housing and farm ownership programs." Authorization of an REA loan account under which collections on outstanding electrification and telephone loans would be used to help finance new loans. Authorization of a user charge to finance part of the cost of Soil Conservation Service technical assistance to farmers in installing conservation practices on their farms. Authorization of a system of user charges to finance the full cost of meat and poultry inspection, grading of wheat, cotton and tobacco, and inspection of warehouses. Authorization of river basin planning commissions and grants to States for planning the best use of water resources. Extension of the Area Redevelopment Act beyond June 30, 1965. Creation of a Department of Housing and Urban Development. Authorization to broaden grants to State and local air and water pollution control agencies, provide grants for projects to reduce water pollution caused by combined storm and sanitary sewers, and initiate research and demonstration projects relating to disposal of solid wastes. Proposals to "broaden and improve" the Manpower Development and Training Act of 1962. Authorization of a program of aid to Appalachia. Permanent extension of the Reorganization Act of 1949. Authorization for the President to use up to 5 percent of Public Law 480 foreign currencies in countries in which U. S. balances are in excess of regular needs.

The Government Operations Committee reported without amendment S. 2, to amend the Legislative Reorganization Act of 1946 to create a Joint Committee on the Budget. (S. Rept. 6). p. 1201

8. FARM LABOR. The Labor and Public Welfare Committee reported without amendment S. Res. 24, to authorize the Committee to examine, investigate, and study matters relating to migratory labor. p. 1201

9. STOCKPILING. Sen. Byrd, Va., inserted a report of the Joint Committee on Reduction of Nonessential Federal Expenditures on stockpile inventories, including agricultural commodities. pp. 1203-12

10. FARM PROGRAM. Sen. McCarthy questioned the accuracy of the budget message regarding farm prices, stating that the farmer's problem "is one of low prices, that fall far short of parity." pp. 1257-8
Sen. Miller inserted an editorial, "Freedom and the Farmer." pp. 1259-60
Sen. Burdick inserted an editorial stating that "before subjecting the agricultural programs to indiscriminate cutting, an effort should be made to weigh their costs and benefits." p. 1272
11. FORESTS. Sen. Jordan, Ida., spoke of the need of awareness of our great resources such as exist in the national forests and inserted texts of two acceptance speeches made on the occasion of the awarding of a commendation to the U. S. Forest Service. p. 1269-70
12. APPALACHIA. At the request of Sen. Randolph, unanimous consent was granted for the Public Works Committee to file a report on S. 3, the Appalachia bill, by Wed., Jan. 27. p. 1254
13. GOVERNMENT OPERATIONS. The Government Operations Committee reported an original resolution, S. Res. 54, authorizing the Committee to make studies as to the efficiency and economy of the operations of the Government. pp. 1201-2
The Government Operations Committee reported an original resolution, S. Res. 59, authorizing the Committee to study intergovernmental relationships between the U. S. and the States and municipalities. pp. 1202-3
14. WATER POLLUTION. Sens. Javits and Cooper submitted and discussed amendments intended to be proposed to S. 4, to amend the Federal Water Pollution Control Act. pp. 1252-3, 1253-4
15. RECREATION. Sen. Douglas commended Sen. Nelson's proposal that the St. Croix River be reserved for recreation development. pp. 1301-4
16. FAMILY FARMS. Sen. McGovern inserted a statement to the President from the Conference on Farm, Commodity, and Rural Church Leaders calling for increased farm income and policies that will assure "that the family farm be preserved and strengthened." p. 1272
17. LEGISLATIVE PROGRAM. Sen. Mansfield stated that the USDA supplemental appropriation bill and water pollution bill will be considered on Thurs., and the Appalachia on Fri. p. 1264

ITEMS IN APPENDIX

18. EXTENSION SERVICE. Extension of remarks of Sen. Talmadge inserting an article paying tribute to L. W. Eberhardt, Jr., director of the Ga. Agricultural Extension Service, as the "man of the year" in service to agriculture. pp. A282-3
19. FARM LABOR. Extension of remarks of Rep. Teague, Calif., inserting an article, "Harvest of Shame," describing the farm labor problem in Calif. and stating that due to the lack of the bracero program the "agricultural economy of the Nation's No. 1 farming State teeters on the brink of disaster." pp. A285-6

to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,100 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1966.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed \$ shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

PUBLIC ADDRESS SYSTEM AND TELEVISIONING OF GREAT DEBATES IN SENATE

Mr. JAVITS. Mr. President, I submit, for appropriate reference, two resolutions designed to enhance the interest of the public in Senate proceedings.

The first resolution, introduced on behalf of myself, Mr. CLARK and Mr. MORSE, would permit television and radio coverage of selected Senate sessions during major debates on the most important national issues. The other would allow the installation of a public address system within the Senate Chamber.

The latter resolution, introduced on behalf of myself, Mr. ANDERSON, Mr. BENNETT, Mr. BOGGS, Mr. CLARK, Mr. DIRKSEN, Mr. GRUENING, Mr. HARTKE, Mr. INOUE, Mr. LONG of Louisiana, Mr. MORSE, Mr. MOSS, Mrs. NEUBERGER, Mr. RANDOLPH, Mrs. SMITH, and Mr. SYMINGTON, and which was introduced in 1957 and in the last Congress, would locate a microphone at the desks of the Presiding Officer and each Senator.

The problem this resolution is designed to solve was dramatically underscored on two recent occasions. Late last year a Senator claimed to have been misquoted by the press because he was not heard in remarks on the Senate floor. And just 3 weeks ago, a number of Senators complained that they had not heard an important parliamentary ruling of the Presiding Officer during the opening round of this Congress' antifilibuster debate. Both incidents, and the ensuing debates they occasioned, could have been avoided if a public address system had been in use at the time.

The House of Representatives has had a public address system in its Chamber for many years, but in the Senate often interesting and vigorous debate on the Senate floor is completely missed by the many visitors in the gallery and heard often only partially, sometimes hardly at all, by the members of the working press in the press gallery. In this age of electronics, it is anomalous that the Senate should labor under such a disadvantage.

There is certainly room for a small microphone at each Senator's desk, and the controls are easily applied. One place

that readily comes to mind is the little-used inkwell which recalls the days when quill pens were still used on the Senate floor.

When I first came to the Senate in 1957, as a member of the Rules Committee, I made an effort to bring about the institution of a suitable public address system in the Senate Chamber. The committee asked the Architect of the Capitol to look into the feasibility of the plan. The staff of the committee made a survey of the then 96 Members and found a considerable number who were interested in the change. However, a considerable number were opposed to any change at all, but principally because of technical difficulties, for example, the presence of a large number of unsightly microphones, which the greatly improved state of the art of electronics can now entirely eliminate. It has been suggested that they be placed in the inkwells which are installed on the desks of all Senators.

The measure would be a helpful step forward to bring Senate procedures into modern times and I hope the Rules Committee will give it early consideration.

The resolution on TV coverage would give the Senate Committee on Rules and Administration authority to determine the times and conditions under which television and radio broadcasters would be permitted to cover the Senate proceedings.

While there are approximately 300 seats for the public in the Senate Gallery, the right to witness public business should not be confined only to those whom the Senate Chamber will hold.

This resolution is intended to take account of the views of those who fear television's effect on the legislative process. It is a reasonable and modest approach and essentially experimental. It would permit the Senate Rules Committee, now composed of nine Senators of both parties, to determine if a particular debate was of sufficient public interest to warrant television coverage, much as congressional committees now determine if they will open hearings to television coverage.

I believe if we try this on a limited scale at first, we will be convinced that television coverage will have a beneficial effect on the legislative function. I believe, for example, that it would speed the often agonizing deliberative process because there would be less need to dramatize issues by extended debate. I believe also it will result in less time-consuming and more action-producing Senate procedures. In short, it would result in a more informed citizenry and a more responsive Senate.

This is not an idea without precedent. Senate committees for several years have permitted the televising of selected committee investigating sessions, and these have been generally successful. In some cases, they have aroused widespread national interest leading to reform and other desirable objectives. The impact of television coverage of major United Nations debates is well known. In the past few years selected legislative proceedings were opened successfully to television in many States, among them Arizona, Kansas, Idaho, Oklahoma, and

Massachusetts. In others, legislative committee hearings were televised successfully.

This year a major debate will certainly be waged on the President's education and medicare package programs that will directly affect nearly every American family. The American people should have a front seat in such crucial debates. I can see only positive results from bringing the Senate closer to the people in this way.

We tried many ways to stimulate the interest of our people in government. Television has proved it can awaken this interest effectively. I believe that the time has come for the Senate to make a start toward using the great modern medium of communications to advance the public interest.

I ask unanimous consent that the resolutions may be received and appropriately referred, and that the text of the resolutions be printed at this point in the RECORD.

The VICE PRESIDENT. The resolutions will be received and appropriately referred; and, without objection, the resolutions will be printed in the RECORD.

The resolutions were received, appropriately referred, and ordered to be printed in the RECORD, as follows:

By Mr. JAVITS (for himself, Mr. CLARK, and Mr. MORSE):

S. Res. 64. Relative to the use of radio or television in reporting proceedings of the Senate and in the Press Gallery; to the Committee on Rules and Administration.

Resolved, That (a) the second paragraph of rule XXXIV of the Standing Rules of the Senate is amended by inserting therein, immediately after the first sentence thereof, the following new sentence: "Such regulations shall make appropriate provision for the reporting of proceedings of the Senate by radio or television at such times and under such conditions as may be specified in such regulations or by resolution of the committee from time to time."

(b) The second sentence of the second paragraph of rule XXXIV of the Standing Rules of the Senate is amended by inserting therein, immediately after the words "radio, wire, wireless", the term "television,".

By Mr. JAVITS (for himself, Mr. ANDERSON, Mr. BENNETT, Mr. BOGGS, Mr. CLARK, Mr. DIRKSEN, Mr. GRUENING, Mr. HARTKE, Mr. INOUE, Mr. LONG of Louisiana, Mr. MORSE, Mr. MOSS, Mrs. NEUBERGER, Mr. RANDOLPH, Mrs. SMITH, and Mr. SYMINGTON):

S. Res. 65. Resolution to provide a suitable electrical public address system in the Senate Chamber:

Resolved, That (a) to insure that debates of the Senate may be heard in all parts of the Senate Chamber and in the galleries thereof, the Committee on Rules and Administration is authorized and directed to take such action as may be required for the installation and operation within the Senate Chamber of a suitable electrical public address system, including a microphone placed at the desk of the Presiding Officer and at the desk of each Senator.

(b) To the extent authorized by law, the expenses incurred for the installation and operation of such public address system may be defrayed from the contingent fund of the Senate.

POLISH INDEPENDENCE

Mr. WILLIAMS of New Jersey. Mr. President, in 1964, Polish people through-

out the world celebrated the anniversary of 1,000 years of their existence as a state and as a Christian nation. Many nations are participating in various ways in recognition of the birthday of the Polish nation.

I would like to take this opportunity, as an expression of American respect and affection for the people of Poland and of Polish extraction, to introduce, for appropriate reference, a Senate resolution authorizing the printing as a Senate document, of a selected compilation, to be prepared by the Legislative Reference Service of the Library of Congress, of the principal statements and speeches made by members of the Senate and the House of Representatives since the founding of the Government of the United States, which constitute expressions of concern or support for the freedom and independence of the people of Poland.

Because of the particular merit of certain such statements which have come to my attention, I have specifically enumerated them in the resolution.

I feel that publication of this document, reflecting congressional concern for Polish independence during our entire history, will demonstrate to all nations the intensity and continuity of our friendship, sympathy, and respect for the Polish people.

Such publication will evidence the durable and reliable interest of the U.S. Congress in the Polish people.

Second. The Communist regime in Warsaw will realize that we are aware of their actions and judge them accordingly.

Third. The people of Poland who have often felt abandoned to their fate, will be profoundly reassured by this act of the U.S. Congress that they have not been forgotten.

Fourth. Americans of Polish parentage will be grateful to the Congress for taking this initiative.

Last. This will constitute a most fitting and moving tribute to the Polish people to commemorate their 1,000th-year birthday of freedom.

Mr. President, I ask unanimous consent to have the resolution printed at this point in the CONGRESSIONAL RECORD.

The VICE PRESIDENT. The resolution will be received and appropriately referred.

The resolution (S. Res. 66) was referred to the Committee on Rules and Administration, as follows:

Resolved, That there shall be printed as a Senate document a selected compilation, to be prepared by the Legislative Reference Service of the Library of Congress, of the principal statements and speeches made by Members of Congress since the founding of the Government of the United States which constitute expressions of concern or support for the freedom and independence of the people of Poland. *Provided*, That such selected compilation shall not exceed 250 pages in length and shall specifically include the following statements: From the History of Congress, December 1797—article on General Kosciuszko; from the CONGRESSIONAL RECORD, May 6, 1918—statement by Mr. Sabath; from the CONGRESSIONAL RECORD, May 4, 1964—articles on Progress on the Children's Hospital Project in Poland, Children's Hospital Re-

ceives AID Grant, and the University of Krakow.

SEC. 2. There shall be printed and bound as directed by the Joint Committee on Printing, four thousand copies of such document.

WATER POLLUTION CONTROL ACT CHANGE NEEDED (AMENDMENT NO. 4)

Mr. JAVITS. Mr. President, I submit, for appropriate reference, an amendment to S. 4, a bill introduced on January 6, 1965, by the distinguished Senator from Maine [Mr. MUSKIE], to amend the Federal Water Pollution Control Act. My amendment would:

First. Eliminate the existing limitation of \$600,000 for a single project or \$2.4 million for a joint project involving several communities on grants for construction of waste treatment facilities. It would also authorize an across-the-board Federal contribution of 30 percent of the cost of constructing these facilities.

Second. Eliminate the existing requirement that half of all construction grant funds be used for municipalities of 125,000 people or less.

Third. Establish a more meaningful standard for the allocation of funds for construction of sewage treatment facilities in urban areas of need. The amendment would set up a standard based on the ratio of the urban population in one State to the urban population in all States, replacing the existing criterion based on per capita income. Such a standard would bring about a more equitable distribution of funds to highly populated areas where major water pollution problems exist.

Fourth. Authorize the Federal Government to subsequently reimburse States and municipalities that have spent their own funds for treatment facilities when a Federal construction grant, which has been approved, cannot be immediately allocated because of inadequate Federal funds.

The problem of water pollution and the waste of our country's water resources—lakes, streams, rivers, and reservoirs—because of inadequately treated sewage has created a major national economic and social problem. The need for improved sewage facilities has been dramatized in both rural and urban areas throughout the country. Most regretfully, the water pollution problems of the larger urban areas have not received sufficient attention, and it is charged that under the existing formulas they have been discriminated against in the construction grants section of the existing Federal Water Pollution Control Act.

This act authorizes the Federal Government to pay up to 30 percent of the cost of local sewage treatment facilities but places a limitation of \$600,000 on the amount which may be paid to a municipality for a single project and \$2.4 million on the amount which may be paid to municipalities cooperating in a joint project. Although these project allocation limitations would be raised to \$1 and \$4 million, respectively, under S. 4, which has been the subject of hearings

by the Special Subcommittee on Water Pollution, the Governor of New York as well as the New York State Conference of Mayors and others contend that this proposed limitation still does not go far enough. In effect, these limitations discriminated against the Nation's large cities and urban areas. For example, a single pollution control project in New York City cost \$87.6 million. In view of the existing statutory \$250,000 limitation on a single project, at the time this project was approved, the Federal Government could only contribute that amount instead of paying 30 percent of the cost, which would have amounted to \$26.2 million.

The present Water Pollution Control Act discriminates also against highly populated urban areas through its requirement that at least 50 percent of funds appropriated for each fiscal year must be used for construction of treatment works servicing municipalities of 125,000 population or under.

Further, the present act discriminates against States with large cities, despite the fact water pollution remains a major urban problem—through an allocation formula which results in an annual allocation to New York of barely more than \$5 million from a total appropriation of \$100 million.

The State of New York is embarking on a new \$1.7 billion water pollution program with \$513 million to be expended through 1970 for construction of needed sewage treatment facilities. To permit States making substantial efforts in this field to accelerate their work, the Federal Government should assume a full 30-percent share, and the other provisions of the present law which discriminate against heavily populated urban areas should be altered.

I believe that the Congress must enact legislation to increase funds for the construction of treatment facilities and to remove existing discriminatory features of the Federal Water Pollution Control Act. This means authorizing the Federal Government to share fully in an unrestricted one-third contribution to the cost of needed sewage treatment facilities.

I have been advised that the Special Subcommittee on Water Pollution of the Senate Public Works Committee expects to examine in the very near future in detail the existing problems surrounding the construction grant section of the Federal Water Pollution Control Act. During the hearings on January 18 on S. 4, the chairman of the Special Subcommittee on Water Pollution stated that the subcommittee recognized that hearings on S. 4 did not cover the entire scope of water pollution control concerns, and that further hearings on the adequacy of the present sewage treatment grants program were anticipated. I very much appreciate the chairman's interest in this matter which has also been of great interest to the State of New York and other similarly situated States, and I hope that the problems with which this amendment deals will be given serious consideration by the subcommittee.

I ask unanimous consent to have printed at this point in the RECORD the text of my amendment and the text of a letter from the New York State Conference of Mayors to the President of the United States describing the need for modification in the existing water pollution legislation.

There being no objection, the amendment and letter were referred to the Committee on Public Works and ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 4

On page 5, beginning with line 11, strike out all through line 17, and insert in lieu thereof the following:

"SEC. 4. (a) Subsections (b) and (c) of the section of the Federal Water Pollution Control Act herein redesignated as section 8 are amended to read as follows:

"(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary and unless such project is included in a comprehensive program developed pursuant to this Act; (2) no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Secretary: *Provided*, That the grantee agrees to pay the remaining cost: *Provided further*, That, in the case of a project which will serve more than one municipality the Secretary shall, on such basis as he determines to be reasonable and equitable, allocate to each municipality to be served by such project its share of the estimated reasonable cost of such project, and shall then apply the limitation provided in this clause (2) to each such share as if it were a separate project to determine the maximum amount of any grant which could be made under this section with respect to each such share; (3) no grant shall be made for any project under this section until the applicant has made provision satisfactory to the Secretary for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; and (4) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 7 and has been certified by the State water pollution control agency (A) as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs, or (B) for reimbursement pursuant to subsection (c).

"(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) for any fiscal year shall be allotted by the Secretary from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the urban population of each State bears to the urban population of all the States. Sums allotted to a State under the preceding sentence which

are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b) (1) of this section and certified under subsection (b) (4) of this section, shall be reallocated by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made because of lack of funds: *Provided, however*, That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State by reallocation under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second and third sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section, except that in the case of any project constructed in such State after the date of enactment of the Water Quality Act of 1964 which meets the requirements for assistance under this section but was constructed without such assistance, such allotments shall also be available for payments in reimbursement of State or local funds used for such project to the extent that assistance could have been provided under this section if such project had been approved pursuant to this section and funds available. For purposes of this section, population, including urban population, shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce."

(b) Subsection (d) of such section 8 is amended by striking out the colon preceding the word "*Provided*" and all after such colon to the period at the end of such subsection.

NEW YORK STATE CONFERENCE OF
MAYORS AND OTHER MUNICIPAL
OFFICIALS,

Albany, N.Y., January 11, 1965.

The Honorable LYNDON B. JOHNSON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On the 30th of December last, Gov. Nelson A. Rockefeller, of our State, wrote to you urging that you exercise your leadership and influence to make the sewage disposal assistance program of the Federal Government, under Public Law 660, a more realistic and effective tool in the vital fight for water pollution abatement.

As representatives of the 12.5 million persons who live in the cities and villages of New York State, and on behalf of all 16.8 million of our citizens in the State, we, too, urge you most vigorously to take such action.

The money heretofore allocated to projects in our State has helped us to make significant progress in the water pollution abatement fight. Unfortunately, however, most of the progress to date has come about through the solution of the less complex and less expensive problems.

As reported by the temporary State commission on water resources planning, we now face the hard core of the more complex, more difficult, and more expensive pollution problems. These are our biggest and our worst problems. These are the ones thrusting the burden of financial hardship most severely upon our communities.

The relatively small amount of money allocated to the State of New York, and the strict dollar limitation placed upon each project combine to make the Federal program completely inadequate to help us meet our present situation.

We feel a particular concern because in almost every, if not every, Federal assistance program the taxpayers of our State pay so much more into the program in taxes than we receive back in assistance. In the particular matter of water pollution abatement we feel that the magnitude of our problems, like the needs of New York City where a single project cost \$87.6 million, and with the allocation of Federal funds falling far short of meeting the requirements for the projects submitted for approval each year, merits our receiving a full share of Federal assistance for this vital activity.

We therefore urge upon you, most respectfully, yet most emphatically, the necessity and the equity of a program in which the Federal Government will assume financial responsibility for a full 30 percent of the cost of all approved sewage disposal facility construction, without any dollar restriction upon any project. We concurrently urge our State to assume a similar share of the cost, a program to which our Governor already has committed himself.

The citizens of the State of New York, and particularly its 12.5 million urban residents, urgently need and will deeply appreciate your utmost assistance in this matter.

Respectfully yours,

RAYMOND J. COTHREN,
Executive Director.

AMENDMENT OF FEDERAL WATER
POLLUTION CONTROL ACT, AS
AMENDED (AMENDMENT NO. 5)

Mr. COOPER. Mr. President, I send to the desk an amendment to S. 4, a bill to amend the Federal Water Pollution Control Act, as amended.

Last year, although I was in sympathy with the objectives of the bill introduced by Senator MUSKIE, and passed by the Senate. I opposed the bill because I believed it vested absolute power in the Secretary of Health, Education, and Welfare, or in his Assistant Secretary, to fix standards of water quality applicable to interstate water.

The amendment which I send to the desk, and which I ask to have printed in the body of the RECORD, would establish procedures that would, at minimum, give to the States and to interstate agencies acting under compacts, municipalities, and industries which are directly concerned the right to be heard concerning water quality standards, promulgated by the Secretary, to present their views in a public hearing after the standard had been published and to propose revisions of such water quality standards; and finally the right of appeal to the Circuit Courts of Appeals.

The procedures which I propose, would assure justice to the States and other interested parties. They would not obstruct the essential purpose of the bill—to establish water quality standards. They would assure the standards which the Secretary promulgates are in accord with the criteria under which he is required to act.

The VICE PRESIDENT. The amendment will be received and appropriately referred. Without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

The VICE PRESIDENT. The amendment will be received, printed, and referred to the Committee on Public Works; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 5) is as follows:

Beginning with line 13, page 7, strike out all to and including line 14, page 8, and insert in lieu thereof the following:

"(c) (1) In order to carry out the purpose of this Act, the Secretary may, after consultation with the Secretary of the Interior and with other Federal agencies, with State and interstate water pollution control agencies, and with municipalities and industries involved, to obtain the views of such officer and such agencies, municipalities, and industries, and after such public hearings as he may deem advisable, prepare proposed regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof.

"(2) Standards of quality prescribed by regulations adopted under paragraph (1) shall be such as to protect the public health and welfare and carry into effect the purposes of this Act. In establishing such standards with respect to any waters, there shall be taken into consideration (A) the use and value of such waters for public water supplies, agricultural, industrial and commercial use, the propagation of fish and wildlife resources.

"(3) Such proposed regulations shall be published in the Federal Register, and copies thereof shall be transmitted to all Federal, State and interstate water pollution control agencies, municipalities, and industrial organizations involved. Upon request made within ninety days after publication of such proposed regulations by one or more of the States, interstate agencies, municipalities, and industrial organizations (referred to hereinafter as 'interested parties') affected, the Secretary shall conduct public hearings upon such proposed regulations at a place convenient to the interested parties. In any such hearing, interested parties shall be accorded adequate opportunity to obtain and present necessary evidence in support of their contentions, and shall be entitled to propose revisions and modifications of the proposed regulations. Upon the basis of all evidence received in any such hearing, the Secretary shall prepare and transmit to each party to the hearing his report thereon, which shall contain a full and complete statement of his findings of fact and his conclusions with respect to issues presented at the hearing. The Secretary may, thereupon, affirm, rescind, or modify in whole or in part such proposed regulation.

"(4) If any interested party is dissatisfied with the Secretary's action with respect to it under this subsection, it may appeal to the United States court of appeals for the circuit in which such State (or any of the member States, in the case of an interstate agency) is located. The summons and notice of appeal may be served at any place in the United States. The findings of fact by the Secretary, unless contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action. Such new or modified findings of fact shall likewise be conclusive unless contrary to the weight of the evidence. The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as pro-

vided in title 28, United States Code, section 1254.

"(5) Such regulations shall become effective only if, within a reasonable time after being requested by the Secretary to do so, the appropriate States and interstate agencies have not developed standards found by the Secretary to be consistent with paragraph (2) of this subsection and applicable to such interstate waters or portions thereof."

AMENDMENT OF IMMIGRATION AND NATIONALITY ACT (AMENDMENT NO. 6)

Mr. SCOTT. Mr. President, I submit, for appropriate reference, an amendment to S. 436, a bill to amend the Immigration and Nationality Act, and for other purposes, which I introduced on January 12. My amendment is technical and corrective in nature, and I ask unanimous consent that it be printed at the conclusion of my remarks.

The VICE PRESIDENT. The amendment will be received, printed, and appropriately referred.

The amendment (No. 6) was referred to the Committee on the Judiciary, as follows:

On page 2, line 11, after "assigned" insert "annually thereafter".

On page 16, between lines 5 and 6, insert the following new subsection:

"(c) Section 272(a) of the Immigration and Nationality Act (8 U.S.C. 1322) is amended (1) by deleting '(3) an epileptic,' and (2) by redesignating clauses '(4)', '(5)', '(6)', '(7)', and '(8)', as clauses '(3)', '(4)', '(5)', '(6)', and '(7)', respectively."

BANKING AND CURRENCY SUBCOMMITTEE ASSIGNMENTS

Mr. ROBERTSON. Mr. President, the Banking and Currency Committee had its organization meeting this morning. I ask unanimous consent that the assignments of the members of the committee to subcommittees be printed in the RECORD at this point.

There being no objection, the assignments were ordered to be printed in the RECORD, as follows:

COMMITTEE ON BANKING AND CURRENCY SUBCOMMITTEES

FINANCIAL INSTITUTIONS

Robertson, chairman; Sparkman, Douglas, Proxmire, Williams, Muskie, Long, Bennett, Tower, and Thurmond.

HOUSING

Sparkman, chairman; Douglas, Proxmire, Williams, Muskie, Long, McIntyre, Tower, Bennett, and Hickenlooper.

INTERNATIONAL FINANCE

Muskie, chairman; Sparkman, Proxmire, Williams, Neuberger, McIntyre, Mondale, Hickenlooper, Bennett, and Tower.

PRODUCTION AND STABILIZATION

Douglas, chairman; Robertson, Proxmire, Muskie, Long, Neuberger, Mondale, Bennett, Tower, and Thurmond.

SECURITIES

Williams, chairman; Robertson, Muskie, Long, Neuberger, McIntyre, Mondale, Thurmond, Bennett, and Hickenlooper.

SMALL BUSINESS

Proxmire, chairman; Robertson, Sparkman, Douglas, Neuberger, McIntyre, Mondale, Tower, Thurmond, and Hickenlooper.

AUTHORITY TO FILE REPORT TOMORROW ON S. 3, APPALACHIAN REGIONAL DEVELOPMENT BILL

Mr. RANDOLPH. Mr. President, I ask unanimous consent that I may file a report tomorrow, Wednesday, January 27, irrespective of whether the Senate be in session, on S. 3, the Appalachian regional development bill, this report to come from me through the Committee on Public Works.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF INDIANA DUNES NATIONAL LAKE-SHORE BILL

Mr. DOUGLAS. Mr. President, I ask unanimous consent that at next printing the names of the senior Senator from New Jersey [Mr. CASE], the junior Senator from Maryland [Mr. TYDINGS], the junior Senator from Connecticut [Mr. RIBICOFF], the senior Senator from Wyoming [Mr. MCGEE], and the junior Senator from Louisiana [Mr. LONG] be added as additional cosponsors of S. 360, to establish the Indiana Dunes National Lakeshore.

This makes a total of 33 Senators, which is an imposing number.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF BILL

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the name of the senior Senator from New York [Mr. JAVITS] be added to S. 507 at the next printing of the bill.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF BILLS

Mr. RIBICOFF. Mr. President, I ask unanimous consent that at its next printing the name of the Senator from New Jersey [Mr. WILLIAMS] be added as a cosponsor of S. 100, a bill to establish a Department of Education.

I also ask unanimous consent that at its next printing the names of the Senator from Oregon [Mr. MORSE] and the Senator from Indiana [Mr. HARTKE] be added as a cosponsor of S. 488, a bill to amend title V of the Social Security Act to assist States and communities to establish programs for the identification, care and treatment of children who are or are in danger of becoming emotionally disturbed.

The VICE PRESIDENT. Without objection, it is so ordered.

WEST COAST DISASTER RELIEF—ADDITIONAL COSPONSORS OF BILL

Mr. MORSE. Mr. President, I ask unanimous consent that at the next printing of the bill, S. 327, the names of the Senators from Alaska [Mr. BARTLETT and Mr. GRUENING] be added as cosponsors.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C. 20250

Official business

Postage and fees paid

U. S. Department of Agriculture

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued January 28, 1965

For actions of January 27, 1965

89th-1st; No. 18

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HIGHLIGHTS: Senate committee reported water pollution control bill. "Daily Digest" states that Senate committee reported Appalachia bill. Sen Lausche expressed reservations on this bill. Sen. Yarborough urged programs to aid family farmer. Senate passed bill to establish Joint Committee on the Budget. Sen. Ellender introduced and discussed bill to increase ACP small payments to family farms. Sen. Kuchel introduced and discussed bill to establish minimum wage for agricultural workers. Sen. Nelson and Rep. Kastenmeier introduced and Rep. Kastenmeier discussed bills to authorize school lunch and welfare programs abroad. Rep. Horton introduced and discussed bill to continue indemnity payment for dairy farmers.

HOUSE

1. COMMITTEE ASSIGNMENTS. Appropriations Committee subcommittees have been selected as follows:
Agriculture and Related Agencies: Jamie L. Whitten, Miss. (Chairman); William H. Natcher, Ky.; W. R. Hull, Jr., Mo.; Thomas G. Morris, N. M.; Robert H. Michel, Ill.; and Odin Langen, Minn.

Interior and Related Agencies: Winfield K. Denton, Ind. (Chairman); Michael J. Kirwan, Ohio; Julia Butler Hansen, Wash.; John O. Marsh, Jr., Va.; Ben S. Reifel, S. Dak.; and Joseph M. McDade, Pa.

2. PUBLIC LAW 480. Reps. White, Tex., and Cleveland praised House action prohibiting agriculture commodity sales to the United Arab Republic under title I of Public Law 480. pp. 1365, 1371-2
3. HOUSING. Both Houses received a message from the President transmitting the annual report of the Housing and Home Finance Agency for 1963 (H. Doc. 64). pp. 1311, 1366
4. SPACE; RESEARCH. Both Houses received a message from the President transmitting a report, "United States Aeronautics and Space Activities, 1964" (H. Doc. 65). pp. 1311, 1366

SENATE

5. WATER POLLUTION. The Public Works Committee reported with amendments S. 4, the water pollution control bill (S. Rept. 10)(p. 1312). The bill was made the pending business (p. 1332).
6. APPALACHIA. The "Daily Digest" states that the Public Works Committee reported with amendments S. 3, the Appalachia regional development bill (S. Rept. 13) (p. D41). At the request of Sen. Mansfield, unanimous consent was granted for the minority to file views on this bill (p. 1316). Sen. Lausche expressed opposition to including any provision in the bill to aid in pastureland development in the Appalachian region (p. 1332).
7. BUDGET. Passed without amendment S. 2, to provide for the establishment of a Joint Committee on the Budget, composed of members of the Senate and House Appropriations Committees, to review all matters relating to the annual budget of agencies of the Federal Government. pp. 1321-3, 1327-8
8. FARM PROGRAM. Sen. Long, Mo., inserted an article reviewing the situation with regard to the feed grains program and expressing hope that the administration will "follow through and make every possible effort to strengthen farm programs to meet farmers' need for higher farm income." pp. 1329-30
9. FAMILY FARM. Sen. Yarborough expressed concern over poverty and unemployment in rural areas, urged that we "reorient and realine our farm programs, so as to protect, promote, and encourage the family-type pattern of agriculture," and inserted an editorial in support of his position. pp. 1339-40
10. DISASTER RELIEF. The Banking and Currency Committee reported with amendments S. 408, to authorize a study of methods of helping to provide financial assistance to victims of future flood disasters (S. Rept. 11)(p. 1312). Sen. Bartlett urged enactment of the bill (pp. 1335-7).
11. FORESTRY. Sen. Neuberger inserted an editorial critical of the sale of uncut logs from the Pacific Northwest to Japan, "Save Our Logs at Olympia." pp. 1330-1
12. NOMINATIONS. Confirmed the nomination of Arthur M. Okun to be a member of the Council of Economic Advisers, and the nomination of several persons to be members of the National Commission on Technology, Automation, and Economic Progress. p. 1312

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1965

JANUARY 27, 1965.—Ordered to be printed

Mr. MUSKIE, from the Committee on Public Works,
submitted the following

REPORT

together with

INDIVIDUAL VIEWS

[To accompany S. 4]

The Committee on Public Works, to whom was referred the bill (S. 4) to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishments of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes, having considered the same, report favorably thereon, with amendments, and recommend that the bill do pass.

The amendments are indicated in the bill as reported and are shown by linetype and italic.

PURPOSE

The purpose of S. 4, is to—

(1) Express the act's purpose to enhance the quality and value of our water resource and to establish a national policy for the prevention, control, and abatement of water pollution;

(2) Provide for an Assistant Secretary of Health, Education, and Welfare to supervise and direct the administration of all functions of the Department related to water pollution, together with such other functions as may be assigned to him by the Secretary, and to establish a Federal Water Pollution Control Administration within the Department of Health, Education, and Welfare whose head shall be appointed by the Secretary and

who shall administer sections 3, 4, 10, and 11 of this act and other provisions as the Secretary may prescribe;

(3) Authorize research and development grants in the amount of 50 percent of the estimated reasonable cost of projects which will demonstrate new or improved methods of controlling the discharge into any waters of untreated or inadequately treated sewage or other wastes from sewers which carry storm water or both storm water and sewage or other wastes. Authorize appropriations of \$20 million for the fiscal year ending June 30, 1965, and for each of the next 3 succeeding fiscal years for the purpose of making demonstration grants. A grant for any single project shall not exceed 5 percent of the total amount authorized for any one fiscal year;

(4) Increase the individual dollar ceiling limitations on grants for construction of waste treatment works from \$600,000 to \$1 million for a single project and from \$2,400,000 to \$4 million for a joint project involving two or more communities;

(5) Authorize an additional 10 percent in the amount of a grant for construction of waste treatment works in the case of a project which is certified as conforming with a comprehensive plan developed or in process of development for a metropolitan area;

(6) Authorize and direct the application of enforcement measures to abate pollution when any person is prevented from marketing shellfish or shellfish products in interstate commerce as a result of such pollution and action of Federal, State, or local authorities;

(7) Authorize the Secretary to prepare and to encourage the development of regulations establishing standards of water quality to be applicable to interstate waters. The standards shall be in accord with the act's purpose to protect the public health or welfare and to enhance the quality and value of such waters for appropriate uses. The regulations setting forth standards would be formulated after reasonable notice and public hearing and consultation with the Secretary of the Interior and with other Federal agencies, with State and interstate water pollution control agencies, and with municipalities and industries involved. The Secretary is directed to promulgate the standards if, following his request, the appropriate States and interstate agencies have not developed standards which he finds consistent with the provisions of this act. The Secretary shall also call a public hearing after reasonable notice on his own motion or when petitioned to do so by the Governor of any State subject to or affected by the water quality standards promulgated pursuant to this subsection for the purpose of considering a revision in such standards. The Secretary may, after reasonable notice and public hearing and consultation with the Secretary of the Interior and with other Federal agencies, with State and interstate water pollution control agencies, and with municipalities and industries involved, prepare revised regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof. The discharge of matter into interstate waters, which reduces their quality below the promulgated standards or State or interstate standards established consistent with the Act, is subject

to abatement under the enforcement procedures presently provided in the act; and

(8) Provide for accountability for financial assistance furnished under the act to accord with acceptable audit and examination practices; and make the authority and functions of the Secretary of Labor with respect to labor standards appropriately applicable to the act's provisions.

GENERAL STATEMENT

Public hearings on S. 649 were held by the committee on June 17, 18, 19, 20, 25, and 26, 1963. Officials of the Department of Health, Education, and Welfare, and other departments and agencies, and representatives of State and local governments, interstate water pollution control agencies, conservation organizations, the public health and medical profession, and industry testified at these hearings or presented their views for the record.

On October 4, 1963, the committee favorably reported S. 649, as amended, and it passed the Senate on October 16, 1963, by a substantial majority. The Senate vote was 69 yeas and 11 nays.

The House of Representatives, in its own counsel, did not act on S. 649 before final adjournment. The bill remained with the House committee until September 4, 1964, when it was reported in an amended version.

The bill (S. 4) now reported is identical with the measure previously passed by the Senate with the exception of the deletion of the Federal installations section and the detergent control section.

Recent developments and information have caused the committee to conclude that, because of the interrelationship of both air and water pollution control from Federal installations it would be more appropriate to have legislative proposals for these purposes combined and separate from the bill herewith reported. These proposals are presented in S. 560.

In reporting S. 649 of the 88th Congress the committee made no proposal for the immediate elimination of hard detergents from introduction into interstate commerce. While the committee felt that legislation prohibiting the production and sale of hard detergents was not necessary at that time, it did feel that some procedural legislation might be advisable in order to insure an expeditious solution to the detergent problem. As a result the committee provided for industry and the Department of Health, Education, and Welfare to undertake a cooperative venture in order to solve this problem.

In the meantime more than a year has passed and the soap and detergent industry has announced June 30, 1965, as the new target date for completing the changeover to production of the more readily degradable detergents which is 6 months earlier than it had formerly announced.

In view of the action by the soap and detergent industry, the committee feels that a review of the problem of eliminating hard detergents is in order before adopting control or regulating legislation.

Although extensive public hearings were held in June of 1963 on S. 649, which is identical to S. 4, except for the deletion of the above-mentioned provisions relating to Federal installations and soap and detergents, additional public hearings were held on January 18, 1965.

Officials of the Department of Health, Education, and Welfare, and representatives of State and local governments, interstate water pollution control agencies, conservation organizations, the public health and medical profession, and industry testified at these hearings or presented their views for the record.

It is the view of the committee that the bill as reported provides for necessary strengthening of existing authority and furnishes required new provisions for the purpose of assuring effective prevention and control of water pollution.

MAJOR PROVISIONS OF BILL

NATIONAL WATER POLLUTION CONTROL POLICY

The national water pollution control program has for its primary objective the enhancement of the quality and value of the Nation's water resources. This can only be done by preventing, controlling, and abating water pollution.

The Federal Water Pollution Control Act is the basic statutory authority for Federal participation in the national program. The act authorizes the administration and conduct of programs directed to the achievement of the important national water quality goal. The bill provides for specific expression of the act's purpose to establish a national policy for the prevention, control, and abatement of water pollution through effective administration of its comprehensive authorities.

ADMINISTRATION

Federal Water Pollution Control Administration

The committee believes that the program of water pollution control, which relates not only to the health of the people but also has a substantial effect on our economic vitality and the natural beauty of our Nation, must have strong administrative leadership. Pollution is a serious national water resources problem. The injurious effects of water pollution have adverse implications for the development and preservation of our water resources. The individual citizen, industry, agricultural, and commerce are all affected and through them the Nation's health and its economy. In providing authorities for Federal technical and financial assistance, and for enforcement to abate pollution of interstate or navigable water, the Federal Water Pollution Control Act defines the Federal role and responsibility in preventing and controlling water pollution. Its authorized programs for the protection of our water supplies are vital to our Nation.

The 1961 amendments (Public Law 87-88) directed to transfer to the Secretary of Health, Education, and Welfare of the responsibility for the act's administration formerly vested in the Surgeon General of the Public Health Service. Through delegations of the Secretary's authority, the operating programs have continued to be administered in the Public Health Service.

In the field of water pollution the Public Health Service has made a major contribution to our understanding of the nature of water pollution, its effect on individuals, and appropriate measures of pollution control. The basic orientation of the Public Health Service, however, is toward cooperative health programs with the States.

The Public Health Service is not oriented toward the broader problems associated with the conservation of waters for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agricultural, industrial, and other uses.

The public Health Service should be free to concentrate on its primary concern with health, in the water pollution field, as it is in other areas. At the same time, the administration of the water pollution control program should not be subordinated to considerations which are important to the Public Health Service but are not directly related to the sound application of this act.

The committee therefore endorses the establishment of a Federal Water Pollution Control Administration which would have specific responsibility for comprehensive programs; interstate cooperation and uniform laws; enforcement measures to abate pollution and to establish and obtain compliance with standards of water quality; and to control pollution from Federal installations. Other functions relating to water pollution are retained within the Secretary's discretion who may additionally assign them to the new Administration or to other sectors in the Department. The committee is confident that the Secretary will permit no duplication or overlapping in the water pollution control program.

However, the committee believes that the Administration should not be limited to those elements of the program which make it possible to achieve enforcement, but should have operational aspects that encourage compliance as well. Enforcement powers should be used but compliance should be sought.

Cooperative assignment of commissioned officer staff of the Public Health Service to performance of duties with other Federal agencies, as for example, the Bureau of Prisons, the U.S. Coast Guard, the Bureau of Employees' Compensation, and many other agencies is a traditional Public Health Service function, of which it is justifiably proud. The temporary assignment of commissioned corps personnel to accompany the transfer or responsibilities to the Federal Water Pollution Control Administration is in full accord with this long-standing practice. It will provide as well for continuing utilization of their developed technical competencies in water pollution control.

Additional Assistant Secretary

The committee also recognizes the need for additional assistance to the Secretary in administering the act and accordingly recommends the creation of an additional position of Assistant Secretary in the Department to oversee this important sphere of activities.

The Department of Health, Education, and Welfare, although the newest in the family of Cabinet-rank agencies, is second only to the Department of Defense in the complexity of its program responsibilities and fifth in size in number of personnel. The emergence of the Department as a major water resources agency as a result of its responsibilities under the Federal Water Pollution Control Act has substantially increased the burdens imposed on its central administration.

The new post of Assistant Secretary will have the same status in all respects as those now existing. It will be left to the Secretary whether to vest the administration functions under this bill in the occupant of the new position or to assign them to an existing Assistant Secretary. The Secretary may, as he sees fit, distribute, or redistribute the func-

tions of the Assistant Secretaries provided that a single Assistant Secretary supervises and directs both the Federal Water Pollution Control Administration and the administration of all functions within the Department related to water pollution.

GRANTS FOR RESEARCH AND DEVELOPMENT—COMBINED SEWER SYSTEMS

The magnitude of the problem of pollution caused by combined sewers impressed the committee with the necessity for action in reducing this source of pollution. Combined storm and sanitary sewers in many of the Nation's older municipalities seriously aggravate the national pollution situation. The use of combined and sanitary sewers is an outgrowth of the provision initially for disposal of storm water within urban areas. As more and more homes and business establishments were provided with water connections and water was used for conveyance and disposal of water it was concluded that sewer lines could serve a multiple purpose and sanitary waste disposal connections were made to these systems. This arrangement actually produced considerable detrimental effect. During periods of storm water runoff, even in small amounts, the sewers discharge flows of storm water and sanitary sewage in excess of the capacity of treatment plants. Thus, it is impossible to treat all effluent and much untreated waste is bypassed into receiving waters creating a situation that is worse than discharging all storm water runoff into receiving waters in an untreated state.

It has been determined that there are 1,131 communities whose entire waste collection systems are of the combined sewer type serving a population of 20.9 million and that another 810 cities of 37.8 million population have systems which partially consist of combined sewers.

In a selected sample of 95 communities with combined sewer systems, either total or partial, 45 communities indicate some degree of plan preparation for proceeding to take measures to deal with their individual problems. The research and development grants herein authorized are needed to assist these and other municipalities in pointing out practical, efficient, and economic methods for resolving this problem.

Complete separation of the combined storm and sanitary sewers would entail estimated expenditures of up to \$30 billion. Alternative measures, some of which were discussed by witnesses during the public hearings, would appear to present a feasible and in some instances a preferable answer. Accordingly, the committee recommends an authorization for research and development grants to demonstrate new or improved methods to eradicate this problem in the amount of \$20 million annually for the fiscal year ending June 30, 1965, and for the next 3 succeeding fiscal years. The amount of any single grant is limited to 5 percent of the total amount authorized for any one fiscal year.

The committee expects these funds to be used for the purpose of assisting communities in devising and carrying forward projects which would illustrate or demonstrate improved means, including separation of combined sewers, whereby the discharge of effluents from combined sewer systems can be controlled and disposed of without deleterious effects to our water resources. Research as such is needed to suggest pollution abatement procedures and practices. However, there is no

substitute for full-scale demonstrations to point the way for eliminating these intermittent slugs of excessive pollution.

TREATMENT PLANT CONSTRUCTION GRANTS

The present program of grants for construction of municipal waste treatment plants provides for a Federal grant of 30 percent of estimated cost of construction but not to exceed \$600,000 for a single project and \$2,400,000 for a joint multimunicipal project. This program has been markedly successful in stimulating action on the part of the smaller communities.

Larger municipalities, whose needed facilities are of necessarily greater size, encounter appreciably greater expenditures. The rising costs of sewage treatment plant construction have placed additional burdens on the larger communities. The share of assistance provided under existing dollar ceiling limitations falls proportionately short of being an effective incentive in view of their correspondingly larger expenses.

Approximately 45 percent of the population, whose waste treatment facilities needs are still unmet, is found in these larger communities. The committee recognizes the need to increase these allowances to meet higher costs, to furnish a more adequate incentive and more equitable share of assistance for the larger municipalities and recommends that they be increased to \$1 million for individual projects and to \$4 million for joint projects.

It has been urged that the individual and joint project authorization increases provided in this bill do not represent a fair share of the overwhelming cost burdens imposed on our larger cities. The committee is also aware of the fiscal burdens being imposed on smaller communities whose pollution abatement programs require the construction of collection sewers, which are not eligible for financial assistance under the Water Pollution Control Act, as well as interceptor sewers and sewage treatment plants. However, the committee did not feel it could provide additional authorizations within the program unless it approved substantial increases in the total sewage treatment grant authorizations.

It is the intention of the committee to give early and thorough attention to the financial and technological problems confronting communities, large and small, as they endeavor to control and abate municipal sewage. The committee is confident that out of the experience we have gained under the present act and from information derived from hearings and technical studies it will be able to develop a sound and expanded program of pollution control and abatement grants designed to meet realistic goals of water quality enhancement.

URBAN PLANNING

Comprehensive metropolitan planning assumes increasing significance and has become essential in view of our rapid urbanization. Desirable patterns of orderly development of municipal areas must be planned and followed to eliminate factors which lead to the breeding of slum and blight-impacted areas and to effect those sizable economies and efficiencies ordinarily made possible through the coordination of common interests and needs. The committee considers that it is appropriate to allow a 10-percent increase in the grants authorized for treatment plant construction where such planning is carried forward.

Enforcement where interstate commerce is affected

The committee feels that, because of the serious health and economic effects of pollution on shellfish, the Secretary should be authorized and directed to institute enforcement proceedings on his own initiative to abate pollution of interstate or navigable waters which prevents such products from being entered into interstate commerce.

Under the cooperative program for certification of interstate shellfish shippers, the Public Health Service, in cooperation with State and local governments and shellfish industry, has developed an effective barrier to the transportation and sale in interstate commerce of shellfish, such as clams, oysters, and mussels, not meeting approved sanitary standards. State governments certify interstate shippers who obtain shellfish from areas meeting the sanitary standards of the Public Health Service. The Public Health Service maintains and publishes a list of approved certificated shippers. In order to keep its shippers on the Public Health Service approved list, States must close and patrol harvesting areas found unsatisfactory by the Public Health Service.

In such circumstances, the Federal responsibility to enforce the abatement of the pollution is clearly recognizable. The necessary ban on introduction of such pollution-affected products in interstate commerce and the foreclosure of gathering and harvesting operations in these waters effectively denies the means of livelihood and gainful employment to the concerned party. The injured person, who must sustain untoward economic losses through no fault of his own, has no direct recourse against the polluters. Measures to restore the harvesting of shellfish in such waters are hampered and rendered ineffective by the continuance of the pollution. Federal enforcement powers would be made available to provide that pollution sources are abated and restorative measures allowed to proceed more promptly and effectively.

The existing act authorizes enforcement measures to abate pollution which endangers the health or welfare of any persons. It specifically directs the application of enforcement measures on Federal responsibility and initiative when pollution of an interstate nature; i.e., originating in one State and endangering the health and welfare of persons in another State or States, is occurring. Extension of this authority to require enforcement action when any person is prevented from marketing shellfish or shellfish products in interstate commerce because of pollution and action of Federal, State, or local authorities is equally necessary.

STANDARDS OF WATER QUALITY

Increasing population and expanding industrialization are placing growing demands on our limited sources of water. It will be necessary for us to use many rivers for multiple purposes, including industrial, agricultural, recreational, public water supply, and fish and wildlife uses. In other cases, the uses on a given river or portion of a river will be more limited, depending upon the nature of the waterway, the intensity and history of use, and alternative sources of water in the area. Economic, health, esthetic, and conservation values which contribute to the social and economic welfare of an area must be taken into account in determining the most appropriate use or uses of a

stream. There ought to be a constant effort to improve the quality of the water supply, it being recognized that the improvement of the quality of water makes it available for more uses.

The correction of damaging pollution after it has built up is vastly more complex and costly than prevention of such buildups. Standards of water quality to provide reliable and sound guidelines and effective measuring devices are an important and necessary part of any program of water pollution prevention, abatement, and control. The bill herewith reported would provide a basis for preventive action and a clear understanding of pollution abatement and control requirements by authorizing the establishment of water quality standards.

Water quality standards would provide an engineering base for design of treatment works by municipalities and industries. Such standards would enable municipalities and industries to develop realistic plans for new plants or expanded facilities, without uncertainties about waste disposal requirements on interstate waters.

While this would be a new provision in Federal legislation, it is by no means a new concept. Water quality standards have been utilized successfully by individual States for streams within their boundaries, and in a few interstate situations.

Accordingly, the bill provides authority for the Secretary to establish standards of water quality to be applicable to interstate waters or portions thereof. The standards are to be formulated in accordance with accepted administrative procedures calling for notice and public hearing and consultation with affected Federal, State, interstate, and local interests and are to be such as to protect the public health or welfare and to enhance the quality and value of interstate waters. Standards would also be subject to revision either by the Secretary on his own or when petitioned to do so by the Governor of any affected State. The same procedure for hearing and consultation would be followed in revisions as when standards were being formulated.

The Secretary is directed to promulgate the standards only if following his request the appropriate State and interstate agencies have not developed standards which he finds consistent with the bill's provisions. Once the Secretary has promulgated water quality standards, or if there are standards established by State or interstate agencies consistent with the act, any discharge of matter which reduces the quality of the waters below the established standards is made subject to abatement under the present enforcement procedures provided in the act; i.e., conference, public hearing, and court action. The court, in receiving evidence, shall give due consideration to the practicability of complying with the applicable standards.

During the course of the hearings on S. 649, 88th Congress, and again in the hearing on S. 4, certain industrial representatives raised questions about the effect of standards on enforcement proceedings and the power of the enforcement conference and hearing board to review the standards established by the Secretary. The committee wishes to make its position on this question perfectly clear.

Water quality standards are not designed for use primarily as an enforcement device; they are intended to provide the Secretary and State and local agencies with additional tools for objective and clear public policy statements on the use or uses to which specific segments of interstate waters may be put. Their principal objective is the orderly development and improvement of our water resources without

the necessity of adversary proceedings which inevitably develop in enforcement cases.

The authority given the Secretary is not arbitrary. He is constrained from arbitrary action by the public hearing and consultation requirements of the standards section and by the knowledge that, if he promulgates standards, compliance with such standard must ultimately meet the test of "practicability" in the courts, as provided in section 5(d) of the bill, should violation of such standards trigger an enforcement action. It is clear, also, that the enforcement conference and the hearing board must, in the light of the authority given the court, consider the "practicability" of compliance with the standards.

It is not the province of the conference, the hearing board, or the court to revise the standards in the course of an enforcement proceeding, since it is not the standards but abatement orders consistent with such standards which are enforceable. It is the intent of the committee that in the event the conference, the hearing board or the court finds compliance with the standards impracticable the Secretary should take steps to consider revision of the standards.

The committee must reemphasize its intent that water quality standards are not designed to "lock in" present uses of water or to exclude other uses, not now possible. The standards are not a device to insure the lowest common denominator of water quality but to enhance the quality and productivity of our water resources.

The committee is convinced that water quality standards can contribute to an orderly development of water supplies and the judicious use of such supplies. The committee recognizes that the establishment of water quality standards is not a simple task and that it will require close coordination between Federal, State, interstate, and local agencies having responsibility in this field. It is anticipated that the establishment of standards will tend to reduce the need for abatement enforcement proceedings since full knowledge would be available as to the standards of water quality.

The committee expects that a determination would be made of present quantities of water available and the condition of such water on a case-by-case basis. The determinations should be made by areas and subareas.

The committee intends that water quality standards should be applied on the basis of the water quality requirements of present and future uses of a stream or section of stream, after due consideration of all factors and variables involved.

The committee also intends that the present law should continue to be operative with respect to actions authorized to be taken where the health or welfare or persons is endangered by pollution. It is not intended that current water pollution abatement procedures or actions should be held in abeyance pending the establishment of standards. In addition, the bill clearly states that the authority to establish standards does not extend the jurisdiction of the Secretary over waters not covered in the basic act.

Where the Congress has established multistate compacts such as the Delaware River Basin compact with authority to establish standards of water quality it is not the intent of the committee that the Secretary's authority supplant that of the compact commission. Rather the authority in this measure to set standards should be held in reserve, for use only if the commission fails in its responsibilities.

ACCOUNTABILITY OF FINANCIAL ASSISTANCE

In view of the proposed increases in grant programs, the committee believes that it would be appropriate that a system of audits be provided to assure that grant funds are used for the purpose intended. Accordingly, provisions to accomplish this have been included.

LABOR STANDARDS ENFORCEMENT

The existing Water Pollution Control Act provides that all of the provisions of the Davis-Bacon Act shall be met in connection with the construction of waste treatment works for which Federal grants are made. However, the committee is of the opinion that in order to carry out the full effect of such law, it is desirable that the Secretary of Labor carry out the procedures set forth in Reorganization Plan No. 14 of 1950. This plan provides that in order to insure coordination of administration and consistency of enforcement of labor standards the Secretary of Labor shall prescribe appropriate standards, regulations, and procedures, which shall be observed by other Federal agencies responsible for construction.

INDIVIDUAL VIEWS OF SENATOR JOHN SHERMAN COOPER

At the outset, I would like to say that the Subcommittee on Air and Water Pollution of the Committee on Public Works, under the chairmanship of Senator Muskie of Maine and the minority leadership of Senator Boggs, of Delaware, has performed a valuable service in demonstrating the necessity of more effective water pollution policies and programs, and in presenting legislation with the objective of strengthening the control and abatement of water pollution. The bill presented to the Senate provides a new concept as far as legislative action is concerned for the prevention of water pollution. It is the establishment by the Secretary of Health, Education, and Welfare of "water quality standards" for interstate waters and portions thereof. Although many witnesses testified that it would be very difficult to establish such standards, I find no reason to oppose this new concept if States, municipalities, interstate water agencies acting under compact, industries and other interested parties are assured by proper procedures the right to adequately present their views and to appeal to the courts if necessary for a determination as to whether the standards fixed by the Secretary meet the criteria established in the pending bill.

Criteria under which the Secretary is directed to establish water quality standards are as follows:

SEC. 10(c)(3) Such standards of quality shall be such as to protect the public health and welfare and serve the purposes of this Act. In establishing standards designed to enhance the quality of such waters, the Secretary shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.

In 1963, I opposed S. 649, passed by the Senate, a bill almost identical with S. 4, because it did not provide an effective voice to the states and other parties affected in the consideration and development of water quality and standards.

S. 4, as reported, does provide that the Secretary shall consult with Federal agencies, State and interstate water pollution control agencies, and with municipalities and interested parties involved, before preparing water quality regulations. It also provides that public hearings shall be held thereafter upon petition of the Governor of any State affected to consider revision of such standards. It also provides that the States shall be given an opportunity to develop standards before the Secretary promulgates standards. But I make the essential point, that even with these procedures, ultimate authority is fixed in the Secretary and the Secretary alone to promulgate water quality standards. The only limitations provided by the committee bill are those of consultation with the States and other interested parties, the

opportunity to present views in public hearings, and the choice provided the States of developing water quality standards, but only standards consistent with, if not identical with, the standards the Secretary has prescribed.

In considering the broad powers given to the Secretary, it is necessary to keep in mind that S. 4 authorizes him to promulgate standards under section 10(c)(3) requiring the zoning of interstate waters or portions thereof for agricultural, industrial, recreational, and other legitimate uses. The Secretary's authority to zone was recognized and testified to by Senator Muskie, the manager of the bill, in our hearings in July 1963.

It is my view that such broad powers given to an official of the Federal Government are broader powers, in my opinion, than those given to any agency or individual other than the President of the United States. I hold that the States and other interested parties should be provided the right to appeal to the courts if the Secretary abuses his vast power. This is not a question of States rights—it is a question of justice and the right of interested parties to be heard and to receive the protection of the courts.

For this purpose, I proposed an amendment in the committee to assure (1) adequate publication and notice to the States of the regulations which the Secretary made available. This is important because it is impossible for the States and interested parties to propose any rational revisions without knowing the exact standards developed by the Secretary. (2) After publication of the proposed standards the States and interested parties would upon application be assured a public hearing. It is important to note that, unlike the stage of consultation prior to the issuance of the proposed regulations, the interested parties have before them a definite regulation in specific detail. We must bear in mind that it is one thing to be consulted in the formulation of a regulation, but it is quite another matter to be afforded a full opportunity to be heard after the regulations have been crystallized. After the interested parties have been given a full opportunity to be heard, the Secretary is required to make a report of his findings of fact and his conclusions with respect to the issues involved. In reviewing the record and his report, the Secretary may then affirm, rescind or modify, in whole or in part, his proposed regulations. (3) The right of appeal to a U.S. circuit court. The language of this section is taken verbatim from section 5(g)(2) of the present law which affords any State or interstate agency the right to a court review of the Secretary's decision of approving or disapproving a plan for the prevention and control of water pollution submitted by any of these agencies. (4) My amendment requires the Secretary to postpone the effective date of his regulations so as to allow the appropriate State and interstate agencies adequate time to adopt standards consistent with those prescribed by the Secretary.

The Federal Water Pollution Control Act provides in several sections that, "it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities of the States in preventing and controlling water pollution." The task of construction of pollution control facilities—Federal, State, municipal, and private—is immense. The Public Health Service has estimated that the annual cost of collecting and treating municipal sewage in the continental United States would increase from \$476.5 million in

1954 to \$817.6 million in 1980. The majority report in 1963 stated that the separation of storm and sanitary sewers would entail an expenditure of \$8 billion. Considering the expressed policy of the act that the States' primary responsibility for water pollution control be preserved, the necessity of the full cooperation of the Federal Government, States, municipalities, and private persons in constructing the vast facilities that will be needed for pollution control, and considering further that the bill before us would provide to the Secretary authority to zone rivers and to determine their further use, I argue strongly that the minimum procedures which my amendment would secure—the provision of adequate hearings before and after promulgation of standards, a minimum review by the U.S. courts of appeal, which could only be directed to an abuse of the Secretary's authority, are required.

It will be argued, as it was in the committee, that the enforcement procedures of the present act enumerated in section 8 provide this protection. I am sure that it does not do so. Section 10 prescribes enforcement procedures, directed only to the abatement of pollution. If this legislation is enacted, the hearing board provided for by section 8 would be limited to considering whether any discharge in interstate water or reaching interstate water had lowered the quality standards prescribed by the Secretary, and whether the measures proposed by the Secretary for its correction were practical and feasible. The review by the court under this section could only apply to the record made by the hearing board and to the Secretary's findings. My amendment is distinguishable because it would provide for a court review of the quality standards themselves.

During the hearings conducted by the Senate Public Works Subcommittee in 1963 in which 6 days of hearings were held, no Governors were heard, and the majority of representatives of State agencies who testified opposed the water quality standards section of the bill. They are as follows:

- (1) State and Interstate Water Pollution Control Administrators.
- (2) Ohio River Valley Sanitation Commission.
- (3) Interstate Sanitation Commission (New York, New Jersey, Connecticut).
- (4) Conservation and Management of Natural Resources Committee, National Association of Manufacturers.
- (5) Michigan Water Resources Commission.
- (6) Mayor, city of Detroit.
- (7) Mississippi Valley Association.
- (8) American Farm Bureau Federation.
- (9) Interstate Conference on Water Problems and Council of State Governments.
- (10) Missouri Water Pollution Board.
- (11) New England Interstate Water Pollution Control Commission.

The Senate passed the bill by a large vote. When it went to the House of Representatives much more extensive hearings were held by a larger committee—the House Committee on Public Works on December 4, 5, 6, 9, and 10, 1963, and February 4, 5, 6, 7, 17, 18, and 19, 1964. When full opportunity was given by the House committee to the Governors and State water pollution control agencies to testify,

they were practically unanimous in opposing the water quality standards in S. 649, now retained in S. 4 before the Senate. The following Governors and representatives of State and interstate agencies and some local business organizations either testified or filed statements in opposition to the standards section of the bill:

- (1) Delaware Water Pollution Commission.
- (2) Texas Water Pollution Control Board.
- (3) Alabama Water Improvement Commission.
- (4) Water Pollution Control Federation.
- (5) Tennessee Stream Pollution Control Board, Nashville, Tenn.
- (6) American Association of Professors of Sanitary Engineering.
- (7) Florida State Board of Health.
- (8) Kansas Department of Health.
- (9) State of New York Water Resources Commission.
- (10) Izaak Walton League of America.
- (11) Kentucky State Water Pollution Control Commission.
- (12) Kentucky Department of Health.
- (13) Association of State and Territorial Health Officers.
- (14) North Carolina State Stream Sanitation Committee.
- (15) Pennsylvania State Health Department.
- (16) Interstate Conference on Water Problems, Council of State Governments.
- (17) American Society of Civil Engineers.
- (18) Wisconsin attorney general.
- (19) Governor of Maryland.
- (20) Arkansas Water Pollution Control Commission.
- (21) Associated Industries of New York State, Inc.
- (22) Association of State and Interstate Water Pollution Control Administrations.
- (23) California Water Pollution Control Association.
- (24) Interstate Conference on Water Problems, Chicago, resolution IV.
- (25) Kansas Engineering Society.
- (26) Maine Water Improvement Commission.
- (27) Middlesex County (New Jersey) Sewerage Authority.
- (28) Governor of Maine.
- (29) Nebraska State Department of Health.
- (30) New England Interstate Water Pollution Control Commission.
- (31) New Hampshire Water Pollution Commission.
- (32) New York State Water Resources Commission.
- (33) Oklahoma State Department of Health.
- (34) Oregon State Board of Health.
- (35) Texas State Board of Health.
- (36) Temporary State Commission on Water Resources (New York).
- (37) Missouri Water Pollution Board.
- (38) Rhode Island Department of Health.
- (39) Texas Water Pollution Control Board.
- (40) Utah Public Health Association.
- (41) Virginia State Water Control Board.
- (42) Governor of Oregon.
- (43) Mayor of Kansas City, Mo.
- (44) South Dakota State Department of Health.

When the committee made its report, it amended the Senate bill and refused to accept the Senate version, in the following terms:

Recommended standards of water quality

The desirability of having water quality standards is recognized by the committee, but the committee is also conscious of the fact that any attempt to authorize the promulgation of such standards by an agency of the Federal Government might do damage to the cooperative Federal-State relationships. For that reason, the committee has modified the provision of section 5 of the bill as passed by the Senate to provide that the Secretary instead of promulgating standards may recommend standards. The committee considers this to be a major change to assure the States, the various water pollution control organizations and private industry that the Federal Government does not desire to have an arbitrary establishment of such standards. The bill as amended now provides sufficient guarantees to all those concerned that the adoption of the recommendations of the Secretary will be at the option of the States. The committee is of the opinion that the amended language in the bill is a definite improvement to existing legislation and will furnish a better framework to carry out the purposes of the program.

* * * * *

Fourth, the new subsection (c) of section 10 of the Federal Water Pollution Control Act which is proposed to be added by the bill has been amended to remove from the Secretary authority to promulgate standards of water quality and in place thereof the Secretary has been granted authority to make recommendations for these water quality standards with the further limitation that no such standard may be enforced under the act unless it has been adopted by the Governor or State water pollution control agency of each affected State.

The new subsection (c) of section 10 proposed by the House committee is as follows:

(c)(1) In order to carry out the purposes of this Act, the Secretary may, after consultation with officials of the State and interstate water pollution control agencies and other Federal agencies involved and with due regard for their proposals, prepare recommendations for standards of water quality to be applicable to interstate waters or portions thereof. The Secretary's recommendations shall be made available to any conference which may be called pursuant to subsection (d)(1) of this section, and to any Hearing Board appointed pursuant to subsection (f) of this section; and all or any part of such standards may be included in the report of said conference or in the recommendations of said Hearing Board.

(2) The Secretary shall, when petitioned to do so by the Governor of any State subject to or affected by the water quality standards recommendations, or when in his judgment it is appropriate, consult with the parties enumerated in

paragraph (1) of this subsection concerning a revision in such recommended standards.

(3) Such recommended standards of quality shall be such as to protect the public health and welfare and serve the purposes of this Act. In establishing recommended standards designed to enhance the quality of such waters, the Secretary shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.

(4) The Secretary shall recommend standards pursuant to this subsection with respect to any waters only if, within a reasonable time after being requested by the Secretary to do so, the appropriate States and interstate agencies have not developed standards found by the Secretary to be consistent with paragraph (3) of this subsection and applicable to such interstate waters or portions thereof.

(5) No standard of water quality recommended by the Secretary under this subsection shall be enforced under this Act unless such standard shall have been adopted by the Governor or the State water pollution control agency of each affected State.

The House did not take action on S. 649. The recommendations of the House Committee on Public Works are much more stringent than the amendment that I propose. The House denied to the Secretary the authority to promulgate water quality standards, giving him the authority only to recommend standards to the States and no standards could be enforced unless adopted first by the Governor or State agency. As I have stated, my amendment would not deny him the authority to formulate standards but would assure to the States and interested parties that their views would be heard, and that they would have recourse to the Circuit Court of Appeals against any abuses of his power. I submit this is the minimum that should be done.

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CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED

[33 U.S.C. 466-466k]

AN ACT To provide for water pollution control activities in the Public Health Service of the Department of Health, Education, and Welfare, and for other purposes

DECLARATION OF POLICY

SECTION 1. (a) *The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution.*

[(a)] (b) In connection with the exercise of jurisdiction over the waterways of the Nation and in consequence of the benefits resulting to the public health and welfare by the prevention and control of water pollution, it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical research relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution. [To this end, the Secretary of Health, Education, and Welfare (hereinafter in this Act called the "Secretary") shall administer this Act.] *The Secretary of Health, Education, and Welfare (hereinafter in this Act called the "Secretary") shall administer this Act and, with the assistance of an Assistant Secretary of Health, Education, and Welfare designated by him, shall supervise and direct the head of the Water Pollution Control Administration created by section 2 and the administration of all other functions of the Department of Health, Education, and Welfare related to water pollution. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe.*

[(b)] (c) Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.

FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

SEC. 2. *Effective ninety days after the date of enactment of this section there is created within the Department of Health, Education, and Welfare a Federal Water Pollution Control Administration (hereinafter in this Act referred to as the "Administration"). The head of the Administra-*

tion shall be appointed, and his compensation fixed, by the Secretary, and shall, through the Administration, administer sections 3, 4, 10, and 11 of this Act and such other provisions of this Act as the Secretary may prescribe. The head of the Administration may, in addition to regular staff of the Administration, which shall be initially provided from personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions.

COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

[SEC. 2.] SEC. 3. (a) The Secretary shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution control agencies and interstate agencies, and with the municipalities and industries involved, prepare or develop comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries thereof and improving the sanitary condition of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. For the purpose of this section, the Secretary is authorized to make joint investigations with any such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may adversely affect such waters.

(b) (1) In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulations of streamflow for the purpose of water quality control, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.

(2) The need for and the value of storage for this purpose shall be determined by these agencies, with the advice of the Secretary, and his views on these matters shall be set forth in any report or presentation to the Congress proposing authorization or construction of any reservoir including such storage.

(3) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of water quality control in a manner which will insure that all project purposes share equitably in the benefits of multiple-purpose construction.

(4) Costs of water quality control features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable.

INTERSTATE COOPERATION AND UNIFORM LAWS

[SEC. 3.] SEC. 4. (a) The Secretary shall encourage cooperative activities by the States for the prevention and control of water pollution; encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and control of

water pollution; and encourage compacts between States for the prevention and control of water pollution.

(b) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of water pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the Congress.

RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

[SEC. 4.] SEC. 5. (a) The Secretary shall conduct in the Department of Health, Education, and Welfare and encourage, cooperate with, and render assistance to other appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, control, and prevention of water pollution. In carrying out the foregoing, the Secretary is authorized to—

(1) collect and make available, through publications and other appropriate means, the results of and other information as to research, investigations, and demonstrations relating to the prevention and control of water pollution, including appropriate recommendations in connection therewith;

(2) make grants-in-aid to public or private agencies and institutions and to individuals for research or training projects and for demonstrations, and provide for the conduct of research, training, and demonstrations by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

(3) secure, from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a);

(4) establish and maintain research fellowships in the Department of Health, Education, and Welfare with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships:

Provided, That the Secretary shall report annually to the appropriate committees of Congress on his operations under this paragraph; and

(5) provide training in technical matters relating to the causes, prevention, and control of water pollution to personnel of public agencies and other persons with suitable qualifications.

(b) The Secretary may, upon request of any State water pollution control agency, or interstate agency, conduct investigations and research and make surveys concerning any specific problem of water pollution confronting any State, interstate agency, community,

municipality, or industrial plant, with a view of recommending a solution of such problem.

(c) The Secretary shall, in cooperation with other Federal, State, and local agencies having related responsibilities, collect and disseminate basic data on chemical, physical, and biological water quality and other information insofar as such data or other information relate to water pollution and the prevention and control thereof.

(d)(1) In carrying out the provisions of this section the Secretary shall develop and demonstrate under varied conditions (including conducting such basic and applied research, studies, and experiments as may be necessary):

(A) Practicable means of treating municipal sewage and other waterborne wastes to remove the maximum possible amounts of physical, chemical, and biological pollutants in order to restore and maintain the maximum amount of the Nation's water at a quality suitable for repeated reuse;

(B) Improved methods and procedures to identify and measure the effects of pollutants on water uses, including those pollutants created by new technological developments; and

(C) Methods and procedures for evaluating the effects on water quality and water uses of augmented streamflows to control water pollution not susceptible to other means of abatement.

(2) For the purposes of this subsection there is authorized to be appropriated not more than \$5,000,000 for any fiscal year, and the total sum appropriated for such purposes shall not exceed \$25,000,000.

(e) The Secretary shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention and control of water pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such research might be carried out.

(f) The Secretary shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, an evaluation of the water quality needs of those to be served by such waters, an evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving water pollution problems (including additional waste treatment measures) with respect to such waters.

GRANTS FOR RESEARCH AND DEVELOPMENT

SEC. 6. The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from sewers which

carry storm water or both storm water and sewage or other wastes, and for the purpose of reports, plans, and specifications in connection therewith.

Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by an appropriate State water pollution control agency or agencies and by the Secretary; (2) no grant shall be made for any project in an amount exceeding 50 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration of a new or improved method of controlling the discharge into any water of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes.

There are hereby authorized to be appropriated for the fiscal year ending June 30, 1965, and for each of the next three succeeding fiscal years, the sum of \$20,000,000 per fiscal year for the purpose of making grants under this section. Sums so appropriated shall remain available until expended. No grant shall be made for any project in an amount exceeding 5 per centum of the total amount authorized by this section in any one fiscal year.

GRANTS FOR WATER POLLUTION CONTROL PROGRAMS

[SEC. 5.] SEC. 7. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1957, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1961, \$3,000,000, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1968, \$5,000,000, for grants to States and to interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution.

(b) The portion of the sums appropriated pursuant to subsection (a) for a fiscal year which shall be available for grants to interstate agencies and the portion thereof which shall be available for grants to States shall be specified in the Act appropriating such sums.

(c) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to the several States, in accordance with regulations, on the basis of (1) the population, (2) the extent of the water pollution problem, and (3) the financial need of the respective States.

(d) From each State's allotment under subsection (c) for any fiscal year the Secretary shall pay to such State an amount equal to its Federal share (as determined under subsection (h)) of the cost of carrying out its State plan approved under subsection (f), including the cost of training personnel for State and local water pollution control work and including the cost of administering the State plan.

(e) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to interstate agencies, in accordance with regulations, on such basis as the Secretary finds reasonable and equitable. He shall from time to time pay to each such agency, from its allotment, an amount equal to such portion of the cost of carrying out its plan approved under subsection (f) as may be determined in accordance with regulations, including the cost of training personnel for water pollution control work and including the

cost of administering the interstate agency's plan. The regulations relating to the portion of the cost of carrying out the interstate agency's plan which shall be borne by the United States shall be designed to place such agencies, so far as practicable, on a basis similar to that of the States.

(f) The Secretary shall approve any plan for the prevention and control of water pollution which is submitted by the State water pollution control agency or, in the case of an interstate agency, by such agency, if such plan—

(1) provides for administration or for the supervision of administration of the plan by the State water pollution control agency or, in the case of a plan submitted by an interstate agency, by such interstate agency;

(2) provides that such agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require to carry out his functions under this Act;

(3) sets forth the plans, policies, and methods to be followed in carrying out the State (or interstate) plan and in its administration;

(4) provides for extension or improvement of the State or interstate program for prevention and control of water pollution;

(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan; and

(6) sets forth the criteria used by the State in determining priority of projects as provided in section [6(b)(4)] 8(b)(4).

The Secretary shall not disapprove any plan without first giving reasonable notice and opportunity for hearing to the State water pollution control agency or interstate agency which has submitted such plan.

(g)(1) Whenever the Secretary, after reasonable notice and opportunity for hearing to a State water pollution control agency or interstate agency finds that—

(A) the plan submitted by such agency and approved under this section has been so changed that it no longer complies with a requirement of subsection (f) of this section; or

(B) in the administration of the plan there is a failure to comply substantially with such a requirement.

the Secretary shall notify such agency that no further payments will be made to the State or to the interstate agency, as the case may be, under this section (or in his discretion that further payments will not be made to the State, or to the interstate agency, for projects under or parts of the plan affected by such failure) until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Secretary shall make no further payments to such State, or to such interstate agency, as the case may be, under this section (or shall limit payments to projects under or parts of the plan in which there is no such failure).

(2) If any State or any interstate agency is dissatisfied with the Secretary's action with respect to it under this subsection, it may appeal to the United States court of appeals for the circuit in which such State (or any of the member States, in the case of an interstate agency) is located. The summons and notice of appeal may be served at any place in the United States. The findings of fact by the Secretary, unless contrary to the weight of the evidence, shall

be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action. Such new or modified findings of fact shall likewise be conclusive unless contrary to the weight of the evidence. The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

(h)(1) The "Federal share" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the Federal share shall in no case be more than 66⅔ per centum or less than 33⅓ per centum, and (B) the Federal share for Puerto Rico and the Virgin Islands shall be 66⅔ per centum.

(2) The "Federal shares" shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation: *Provided*, That the Federal shares promulgated by the Secretary pursuant to section 4 of the Water Pollution Control Act Amendments of 1956, shall be conclusive for the period beginning July 1, 1956, and ending June 30, 1959.

(3) As used in this subsection, the term "United States" means the fifty States and the District of Columbia.

(4) Promulgations made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe a Federal share for Alaska of 50 per centum and, for purposes of such promulgations, Alaska shall not be included as part of the "United States". Promulgations made thereafter but before per capita income data for Alaska for a full three-year period are available for the Department of Commerce shall be based on satisfactory data available therefrom for Alaska for such one full year or, when such data are available for a two-year period, for such two years.

(i) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

(j) The method of computing and paying amounts pursuant to subsection (d) or (e) shall be as follows:

(1) The Secretary shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State (or to each interstate agency in the case of subsection (e)) under the provisions of such subsection for such period, such estimate to be based on such records of the State (or the interstate agency) and information furnished by it, and such other investigation, as the Secretary may find necessary.

(2) The Secretary shall pay to the State (or to the interstate agency), from the allotment available therefor, the amount so estimated by him for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by

which he finds that his estimate of the amount to be paid such State (or such interstate agency) for any prior period under such subsection was greater or less than the amount which should have been paid to such State (or such agency) for such prior period under such subsection. Such payments shall be made through the disbursing facilities of the Treasury Department, in such installments as the Secretary may determine.

GRANTS FOR CONSTRUCTION

[SEC. 6.] SEC. 8. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters and for the purpose of reports, plans, and specifications in connection therewith.

(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary and unless such project is included in a comprehensive program developed pursuant to this Act; (2) except as otherwise provided in this clause, no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Secretary, or in an amount exceeding **[\$600,000,] \$1,000,000**, whichever is the smaller: *Provided*, That the grantee agrees to pay the remaining cost: *Provided further*, That, in the case of a project which will serve more than one municipality (A) the Secretary shall, on such basis as he determines to be reasonable and equitable, allocate to each municipality to be served by such project its share of the estimated reasonable cost of such project, and shall then apply the limitations provided in this clause (2) to each such share as if it were a separate project to determine the maximum amount of any grant which could be made under this section with respect to each such share, and the total of all the amounts so determined or **[\$2,400,000,] \$4,000,000**, whichever is the smaller, shall be the maximum amount of the grant which may be made under this section on account of such project, and (B) for the purpose of the limitation in the last sentence of subsection (d), the share of each municipality so determined shall be regarded as a grant for the construction of treatment works; (3) no grant shall be made for any project under this section until the applicant has made provision satisfactory to the Secretary for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; (4) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of **[section 5]** *section 7* and has been certified by the State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs; and (5) no grant shall be made under this section for any project in any State in an amount exceeding \$250,000 until a grant has been made thereunder for each project in such State (A) for which an application was filed with the appropriate State water pollution control agency prior to one year after the date of enactment of this clause and (B) which the Secretary determines met the requirements of this section and regula-

tions thereunder as in effect prior to the date of enactment of this clause.

(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) for any fiscal year shall be allotted by the Secretary from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. Sums allotted to a State under the preceding sentence which are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b)(1) of this section and certified as entitled to priority under subsection (b)(4) of this section, shall be reallocated by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made because of lack of funds: *Provided, however,* That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State by reallocation under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second and third sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section. For purposes of this section, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

(d) There are hereby authorized to be appropriated for each fiscal year through and including the fiscal year ending June 30, 1961, the sum of \$50,000,000 per fiscal year for the purpose of making grants under this section. There are hereby authorized to be appropriated for the purpose of making grants under this section, \$80,000,000 for

the fiscal year ending June 30, 1962, \$90,000,000 for the fiscal year ending June 30, 1963, \$100,000,000 for the fiscal year ending June 30, 1964, \$100,000,000 for the fiscal year ending June 30, 1965, \$100,000,000 for the fiscal year ending June 30, 1966, and \$100,000,000 for the fiscal year ending June 30, 1967. Sums so appropriated shall remain available until expended: *Provided*, That at least 50 percent of the funds so appropriated for each fiscal year shall be used for grants for the construction of treatment works servicing municipalities of 125,000 population or under.

(e) The Secretary shall make payments under this section through the disbursing facilities of the Department of the Treasury. Funds so paid shall be used exclusively to meet the cost of construction of the project for which the amount was paid. As used in this section the term "construction" includes preliminary planning to determine the economic and engineering feasibility of treatment works the engineering, architectural legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of treatment works; and the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works; and the inspection and supervision of the construction of treatment works.

(f) *Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant by 10 per centum for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term "metropolitan area" means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget except as may be determined by the President or by the Bureau of the Budget as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President or the Bureau of the Budget lends itself as being appropriate for the purposes hereof.*

[(f)] (g) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects for which grants are made under this section shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., secs. 276a through 276a-5). *The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276(c)).*

WATER POLLUTION CONTROL ADVISORY BOARD

[SEC. 7.] *SEC. 9.* (a) (1) There is hereby established in the Department of Health, Education, and Welfare, a Water Pollution Control Advisory Board, composed of the Secretary or his designee, who shall be chairman, and nine members appointed by the President, none of whom shall be Federal officers or employees. The appointed members, having due regard for the purposes of this Act, shall be selected from among representatives of various State, interstate and local governmental agencies, of public or private interests contributing to, affected by, or concerned with water pollution, and of other public and private agencies, organizations, or groups demonstrating an active interest in the field of water pollution prevention and control, as well as other individuals who are expert in this field.

(2)(A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of the members first taking office after June 30, 1956, shall expire as follows: three at the end of one year after such date, three at the end of two years after such date, and three at the end of three years after such date, as designated by the President at the time of appointment, and (iii) the term of any member under the preceding provisions shall be extended until the date on which his successor's appointment is effective. None of the members appointed by the President shall be eligible for reappointment within one year after the end of his preceding term but terms commencing prior to the enactment of the Water Pollution Control Act Amendments of 1956 shall not be deemed "preceding terms" for purposes of this sentence.

(B) The members of the Board who are not officers or employees of the United States, while attending conferences or meetings of the Board or while otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding \$50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

(b) The Board shall advise, consult with, and make recommendations to the Secretary on matters of policy relating to the activities and functions of the Secretary under this Act.

(c) Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Department of Health, Education, and Welfare.

ENFORCEMENT MEASURES AGAINST POLLUTION OF INTERSTATE OR NAVIGABLE WATERS

[SEC. 8.] *SEC. 10.* (a) The pollution of interstate or navigable waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of any persons, shall be subject to abatement as provided in this Act.

(b) Consistent with the policy declaration of this Act, State and interstate action to abate pollution of interstate or navigable waters shall be encouraged and shall not, except as otherwise provided by or pursuant to court order under [subsection (g)] subsection (h), be displaced by Federal enforcement action.

(c) (1) *In order to carry out the purposes of this Act, the Secretary may, after reasonable notice and public hearing and consultation with the Secretary of the Interior and with other Federal agencies, with State and interstate water pollution control agencies, and with municipalities and industries involved, prepare regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof.*

(2) *Such standards of quality shall be such as to protect the public health or welfare and serve the purposes of this Act. In establishing standards designed to enhance the quality of such waters, the Secretary shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.*

(3) *The Secretary shall promulgate standards pursuant to paragraphs (1) and (4) of this subsection with respect to any waters only if, within a reasonable time after being requested by the Secretary to do so, the appropriate States and interstate agencies have not developed standards found by the Secretary to be consistent with paragraph (2) of this subsection and applicable to such interstate waters or portions thereof.*

(4) *The Secretary shall also call a public hearing after reasonable notice on his own motion or when petitioned to do so by the Governor of any State subject to or affected by the water quality standards promulgated pursuant to this subsection for the purpose of considering a revision in such standards. The Secretary may after reasonable notice and public hearing and consultation with the Secretary of the Interior and with other Federal agencies, with State and Interstate water pollution control agencies, and with municipalities and industries involved, prepare revised regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof.*

(5) *The discharge of matter into such interstate waters, which reduces the quality of such waters below the water quality standards promulgated by the Secretary pursuant to paragraph (3) of this subsection or established by the appropriate State or interstate agencies consistent with paragraph (2) of this subsection (whether the matter causing or contributing to such reduction is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters), is subject to abatement in accordance with the provisions of this section.*

(6) *Nothing in this subsection shall (a) prevent the application of this section to any case to which subsection (a) of this section would otherwise be applicable, or (b) extend Federal jurisdiction over water not otherwise authorized by this Act.*

[(c)](d)(1) Whenever requested by the Governor of any State or a State water pollution control agency, or (with the concurrence of the Governor and of the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if

any, of the State or States where such discharge or discharges originate and shall call promptly a conference of such agency or agencies and of the State water pollution control agency and interstate agency, if any, of the State or States, if any, which may be adversely affected by such pollution. Whenever requested by the Governor of any State, the Secretary shall, if such request refers to pollution of interstate or navigable waters which is endangering the health or welfare of persons only in the requesting State in which the discharge or discharges (causing or contributing to such pollution) originate, give formal notification thereof to the water pollution control agency and interstate agency, if any, of such State and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution on the legitimate uses of the waters is not of sufficient significance to warrant exercise of Federal jurisdiction under this section. The Secretary shall also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) and endangering the health or welfare of persons in a State other than that in which the discharge or discharges originate is occurring[.]; *or he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities.*

(2) The agencies called to attend such conference may bring such persons as they desire to the conference. Not less than three weeks' prior notice of the conference date shall be given to such agencies.

(3) Following this conference, the Secretary shall prepare and forward to all the water pollution control agencies attending the conference a summary of conference discussions including (A) occurrence of pollution of interstate and navigable waters subject to abatement under this Act; (B) adequacy of measures taken toward abatement of the pollution; and (C) nature of delays, if any, being encountered in abating the pollution.

[(d)] (e) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons is being endangered, he shall recommend to the appropriate State water pollution control agency that it take necessary remedial action. The Secretary shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.

[(e)] (f) If, at the conclusion of the period so allowed, such remedial action has not been taken or action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution has not been taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a Hearing Board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of the Hearing Board and at least one member shall be a representative of the Department of Commerce, and not less than a majority of the Hearing Board shall be persons other than officers or employees of

the Department of Health, Education, and Welfare. At least three weeks' prior notice of such hearing shall be given to the State water pollution control agencies and interstate agencies, if any, called to attend the aforesaid hearing and the alleged polluter or polluters. On the basis of the evidence presented at such hearing, *including the practicability of complying with such standards as may be applicable*, the Hearing Board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the Hearing Board finds such pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution. The Secretary shall send such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution, together with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution, and shall also send such findings and recommendations and such notice to the State water pollution control agency and to the interstate agency, if any, of the State or States where such discharge or discharges originate.

[(f)] (g) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

(1) in the case of pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of pollution, and

(2) in the case of pollution of waters which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate, may, with the written consent of the Governor of such State, request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution.

[(g)] (h) The court shall receive in evidence in any such suit a transcript of the proceedings before the Board and a copy of the Board's recommendations and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the *practicability of complying with such standards as may be applicable* and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.

[(h)] (i) Members of any Hearing Board appointed pursuant to [subsection (e)] *subsection (f)* who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such Board or otherwise engaged on the work of such Board, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding \$100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

[(i)] (j) As used in this section the term—

(1) “person” includes an individual, corporation, partnership, association, State, municipality, and political subdivision of a State, and

(2) “municipality” means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

COOPERATION TO CONTROL POLLUTION FROM FEDERAL INSTALLATIONS

[SEC. 9.] SEC. 11. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, insofar as practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and with any State or interstate agency or municipality having jurisdiction over waters into which any matter is discharged from such property, in preventing or controlling the pollution of such waters. In his summary of any conference pursuant to **[section 8(c)(3)] section 10(d)(3)** of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any Federal property. Notice of any hearing pursuant to **[section 8(e)] section 10(f)** involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property involved and the findings and recommendations of the Hearing Board conducting such hearings shall also include references to any such discharges which are contributing to the pollution found by such Hearing Board.

ADMINISTRATION

[SEC. 10.] SEC. 12. (a) The Secretary is authorized to prescribe such regulations as are necessary to carry out his functions under this Act.

(b) The Secretary, with the consent of the head of any other agency of the United States, may utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this Act.

(c) There are hereby authorized to be appropriated to the Department of Health, Education, and Welfare such sums as may be necessary to enable it to carry out its functions under this Act.

(d) *Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.*

(e) *The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act.*

DEFINITIONS

[SEC. 11.] *SEC. 13.* When used in this Act—

(a) The term “State water pollution control agency” means the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

(b) The term “interstate agency” means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

(c) The term “treatment works” means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

(d) The term “State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(e) The term “interstate waters” means all rivers, lakes, and other waters that flow across or form a part of State boundaries, including coastal waters.

(f) The term “municipality” means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

OTHER AUTHORITY NOT AFFECTED

[SEC. 12.] *SEC. 14.* This Act shall not be construed as (1) superseding or limiting the functions, under any other law, of the Surgeon General or of the Public Health Service, or of any other officer or agency of the United States, relating to water pollution, or (2) affecting or impairing the provisions of the Oil Pollution Act, 1924, or sections 13 through 17 of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes”, approved March 3, 1899, as amended, or (3) affecting or impairing the provisions of any treaty of the United States.

SEPARABILITY

[SEC. 13.] *SEC. 15.* If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SHORT TITLE

[SEC. 14.] *SEC. 16.* This Act may be cited as the “Federal Water Pollution Control Act”.

REORGANIZATION PLAN No. 1 OF 1953

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 12, 1953, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949, as amended

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SECTION 1. *Creation of Department; Secretary.*—There is hereby established an executive department, which shall be known as the Department of Health, Education, and Welfare (hereafter in this reorganization plan referred to as the Department). There shall be at the head of the Department a Secretary of Health, Education, and Welfare (hereafter in this reorganization plan referred to as the Secretary), who shall be appointed by the President by and with the advice and consent of the Senate, and who shall receive compensation at the rate now or hereafter prescribed by law for the heads of executive departments. The Department shall be administered under the supervision and direction of the Secretary.

SEC. 2. *Under Secretary and Assistant Secretaries.*—There shall be in the Department an Under Secretary of Health, Education, and Welfare and [two] three Assistant Secretaries of Health, Education, and Welfare, each of whom shall be appointed by the President by and with the advice and consent of the Senate, shall perform such functions as the Secretary may prescribe, and shall receive compensation at the rate now or hereafter provided by law for under secretaries and assistant secretaries, respectively, of executive departments. The Under Secretary (or, during the absence or disability of the Under Secretary or in the event of a vacancy in the office of Under Secretary, an Assistant Secretary determined according to such order as the Secretary shall prescribe) shall act as Secretary during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary.

SEC. 3. *Special Assistant.*—There shall be in the Department a Special Assistant to the Secretary (Health and Medical Affairs) who shall be appointed by the President by and with the advice and consent of the Senate from among persons who are recognized leaders in the medical field with wide nongovernmental experience, shall review the health and medical programs of the Department and advise the Secretary with respect to the improvement of such programs and with respect to necessary legislation in the health and medical fields, and shall receive compensation at the rate now or hereafter provided by law for assistant secretaries of executive departments.

SEC. 4. *Commissioner of Social Security.*—There shall be in the Department a Commissioner of Social Security who shall be appointed by the President by and with the advice and consent of the Senate, shall perform such functions concerning social security and public welfare as the Secretary may prescribe, and shall receive compensation at the rate now or hereafter fixed by law for grade GS-18 of the general schedule established by the Classification Act of 1949, as amended.

SEC. 5. *Transfers to the Department.*—All functions of the Federal Security Administrator are hereby transferred to the Secretary. All agencies of the Federal Security Agency, together with their respective functions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds (available or to be made

available), and all other functions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds (available or to be made available) of the Federal Security Agency are hereby transferred to the Department.

SEC. 6. *Performance of functions of the Secretary.*—The Secretary may from time to time make such provisions as the Secretary deems appropriate authorizing the performance of any of the functions of the Secretary by any other officer, or by any agency or employee, of the Department.

SEC. 7. *Administrative services.*—In the interest of economy and efficiency the Secretary may from time to time establish central administrative services in the fields of procurement, budgeting, accounting, personnel, library, legal, and other services and activities common to the several agencies of the Department; and the Secretary may effect such transfers within the Department of the personnel employed, the property and records used or held, and the funds available for use in connection with such administrative-service activities as the Secretary may deem necessary for the conduct of any services so established: *Provided*, That no professional or substantive function vested by law in any officer shall be removed from the jurisdiction of such officer under this section.

SEC. 8. *Abolitions.*—The Federal Security Agency (exclusive of the agencies thereof transferred by sec. 5 of this reorganization plan), the offices of Federal Security Administrator and Assistant Federal Security Administrator created by Reorganization Plan No. 1 (53 Stat. 1423), the two offices of assistant heads of the Federal Security Agency created by Reorganization Plan No. 2 of 1946 (60 Stat. 1095), and the office of Commissioner for Social Security created by section 701 of the Social Security Act, as amended (64 Stat. 558), are hereby abolished. The Secretary shall make such provisions as may be necessary in order to wind up any outstanding affairs of the Agency and offices abolished by this section which are not otherwise provided for in this reorganization plan.

SEC. 9. *Interim provisions.*—The President may authorize the persons who immediately prior to the time this reorganization plan takes effect occupy the offices of Federal Security Administrator, Assistant Federal Security Administrator, assistant heads of the Federal Security Agency, and Commissioner for Social Security to act as Secretary, Under Secretary, and Assistant Secretaries of Health, Education, and Welfare and as Commissioner of Social Security, respectively, until those offices are filled by appointment in the manner provided by sections 1, 2, and 4 of this reorganization plan, but not for a period of more than 60 days. While so acting, such persons shall receive compensation at the rates provided by this reorganization plan for the offices the functions of which they perform.

FEDERAL EXECUTIVE SALARY ACT OF 1964

[78 Stat. 400]

AN ACT To adjust the rates of basic compensation of certain officers and employees in the Federal Government, and for other purposes

* * * * *
SEC. 303. * * *
* * * * *

(d) Level IV of the Federal Executive Salary Schedule shall apply to the following offices and positions, for which the annual rate of basic compensation shall be \$27,000:

* * * * *
(17) Assistant Secretaries of Health, Education, and Welfare **[(2)]** (3).
* * * * *



89TH CONGRESS
1ST SESSION

S. 4

[Report No. 10]

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 1965

Mr. MUSKIE (for himself, Mr. BARTLETT, Mr. BAYH, Mr. BOGGS, Mr. BREWSTER, Mr. CLARK, Mr. DOUGLAS, Mr. FONG, Mr. GRUENING, Mr. HART, Mr. HARTKE, Mr. INOUE, Mr. KENNEDY of Massachusetts, Mr. LONG of Missouri, Mr. MAGNUSON, Mr. MCCARTHY, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MILLER, Mr. MONDALE, Mr. MOSS, Mr. NELSON, Mrs. NEUBERGER, Mr. PEARSON, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio) introduced the following bill; which was read twice and referred to the Committee on Public Works

JANUARY 27, 1965

Reported by Mr. MUSKIE, with amendments

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) (1) section 1 of the Federal Water Pollution
4 Control Act (33 U.S.C. 466) is amended by inserting

1 after the words "section 1." a new subsection (a) as
2 follows:

3 " (a) The purpose of this Act is to enhance the quality
4 and value of our water resources and to establish a national
5 policy for the prevention, control, and abatement of water
6 pollution."

7 (2) Such section is further amended by redesignat-
8 ing subsections (a) and (b) thereof as (b) and (c),
9 respectively.

10 (3) Subsection (b) of such section (as redesignated
11 by paragraph (2) of this subsection) is amended by striking
12 out the last sentence thereof and inserting in lieu of such
13 sentence the following: "The Secretary of Health, Educa-
14 tion, and Welfare (hereinafter in this Act called 'Secretary')
15 shall administer this Act and, with the assistance of an
16 Assistant Secretary of Health, Education, and Welfare desig-
17 nated by him, shall supervise and direct the head of the
18 Water Pollution Control Administration created by section 2
19 and the administration of all other functions of the Depart-
20 ment of Health, Education, and Welfare related to water
21 pollution. Such Assistant Secretary shall perform such addi-
22 tional functions as the Secretary may prescribe."

23 (b) Section 2 of Reorganization Plan Numbered 1 of
24 1953, as made effective April 1, 1953, by Public Law 83-13,
25 is amended by striking out "two" and inserting in lieu thereof

1 “three”; and paragraph (17) of subsection (d) of section
2 303 of the Federal Executive Salary Act of 1964 is amended
3 by striking out “(2)” and inserting in lieu thereof “(3)”.

4 SEC. 2. Such Act is further amended by redesignating
5 sections 2 through 4 and references thereto, as sections 3
6 through 5, respectively, sections 5 through 14, as sections 7
7 through 16, respectively, by inserting after section 1 the fol-
8 lowing new section:

9 “FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

10 “SEC. 2. Effective ninety days after the date of enact-
11 ment of this section there is created within the Department of
12 Health, Education, and Welfare a Federal Water Pollution
13 Control Administration (hereinafter in this Act referred to as
14 the ‘Administration’). The head of the Administration
15 shall be appointed, and his compensation fixed, by the Sec-
16 retary, and shall, through the Administration, administer
17 sections 3, 4, 10, and 11 of this Act and such other provisions
18 of this Act as the Secretary may prescribe. The head of the
19 Administration may, in addition to regular staff of the Ad-
20 ministration, which shall be initially provided from personnel
21 of the Department, obtain, from within the Department or
22 otherwise as authorized by law, such professional, technical,
23 and clerical assistance as may be necessary to discharge the
24 Administration’s functions and may for that purpose use
25 funds available for carrying out such functions.”

1 SEC. 3. Such Act is further amended by inserting after
2 the section redesignated as section 5 a new section as
3 follows:

4 “GRANTS FOR RESEARCH AND DEVELOPMENT

5 “SEC. 6. The Secretary is authorized to make grants to
6 any State, municipality, or intermunicipal or interstate
7 agency for the purpose of assisting in the development of any
8 project which will demonstrate a new or improved method of
9 controlling the discharge into any waters of untreated or
10 inadequately treated sewage or other waste from sewers
11 which carry storm water or both storm water and sewage or
12 other wastes, and for the purpose of reports, plans, and
13 specifications in connection therewith.

14 “Federal grants under this section shall be subject to
15 the following limitations: (1) No grant shall be made for
16 any project pursuant to this section unless such project shall
17 have been approved by an appropriate State water pollu-
18 tion control agency or agencies and by the Secretary; (2)
19 no grant shall be made for any project in an amount exceed-
20 ing 50 per centum of the estimated reasonable cost thereof
21 as determined by the Secretary; (3) no grant shall be made
22 for any project under this section unless the Secretary deter-
23 mines that such project will serve as a useful demonstration
24 of a new or improved method of controlling the discharge
25 into any water of untreated or inadequately treated sewage

1 or other waste from sewers which carry storm water or both
2 storm water and sewage or other wastes.

3 "There are hereby authorized to be appropriated for
4 the fiscal year ending June 30, 1965, and for each of the
5 next three succeeding fiscal years, the sum of \$20,000,000
6 per fiscal year for the purpose of making grants under this
7 section. Sums so appropriated shall remain available until
8 expended. No grant shall be made for any project in an
9 amount exceeding 5 per centum of the total amount author-
10 ized by this section in any one fiscal year."

11 SEC. 4. (a) Clause (2) of subsection (b) of the sec-
12 tion of the Federal Water Pollution Control Act herein
13 redesignated as section 8 is amended by striking out
14 "\$600,000," and inserting in lieu thereof "\$1,000,000,".

15 (b) The second proviso in clause (2) of subsection (b)
16 of such redesignated section 8 is amended by striking out
17 "\$2,400,000," and inserting in lieu thereof "\$4,000,000,".

18 (c) Subsection (f) of such redesignated section 8 is
19 redesignated as subsection (g) thereof and is amended by
20 adding at the end thereof the following new sentence: "The
21 Secretary of Labor shall have, with respect to the labor
22 standards specified in this subsection, the authority and
23 functions set forth in Reorganization Plan Numbered 14 of
24 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z 15)

1 and section 2 of the Act of June 13, 1934, as amended
2 (48 Stat. 948; 40 U.S.C. 276 (c)).”

3 (d) Such redesignated section 8 is further amended
4 by inserting therein, immediately after subsection (e)
5 thereof, the following new subsection:

6 “(f) Notwithstanding any other provisions of this sec-
7 tion, the Secretary may increase the amount of a grant
8 made under this section by 10 per centum for any project
9 which has been certified to him by an official State, metro-
10 politan, or regional planning agency empowered under State
11 or local laws or interstate compact to perform metropolitan
12 or regional planning for a metropolitan area within which
13 the assistance is to be used, or other agency or instru-
14 mentality designated for such purposes by the Governor (or
15 Governors in the case of interstate planning) as being in con-
16 formity with the comprehensive plan developed or in process
17 of development for such metropolitan area. For the purposes
18 of this subsection, the term ‘metropolitan area’ means either
19 (1) a standard metropolitan statistical area as defined by the
20 Bureau of the Budget, except as may be determined by the
21 President or by the Bureau of the Budget as not being ap-
22 propriate for the purposes hereof, or (2) any urban area,
23 including those surrounding areas that form an economic
24 and socially related region, taking into consideration such
25 factors as present and future population trends and patterns

1 of urban growth, location of transportation facilities and sys-
2 tems, and distribution of industrial, commercial, residential,
3 governmental, institutional, and other activities, which in
4 the opinion of the President or the Bureau of the Budget
5 lends itself as being appropriate for the purposes hereof.”

6 SEC. 5. (a) Redesignated section 10 of the Federal
7 Water Pollution Control Act is amended by redesignating
8 subsections (c) through (i) as subsections (d) through (j).

9 (b) Such redesignated section 10 of the Federal Water
10 Pollution Control Act is further amended by inserting after
11 subsection (b) the following:

12 “(c) (1) In order to carry out the purposes of this
13 Act, the Secretary may, after reasonable notice and public
14 hearing and in consultation with the Secretary of the Interior
15 and with other Federal agencies, with State and interstate
16 water pollution control agencies, and with municipalities and
17 industries involved, prepare regulations setting forth stand-
18 ards of water quality to be applicable to interstate waters or
19 portions thereof.

20 ~~“(2) The Secretary shall also call such a public hearing~~
21 ~~on his own motion or when petitioned to do so by the Gov-~~
22 ~~ernor of any State subject to or affected by the water~~
23 ~~quality standards set pursuant to this subsection for the~~
24 ~~purpose of considering a revision in such standards.~~

25 ~~“(3) (2) Such standards of quality shall be such as to~~

1 protect the public health ~~and~~ or welfare and serve the pur-
2 poses of this Act. In establishing standards designed to
3 enhance the quality of such waters, the Secretary shall take
4 into consideration their use and value for public water sup-
5 plies, propagation of fish and wildlife, recreational purposes,
6 and agricultural, industrial, and other legitimate uses.

7 “~~(4)~~ (3) The Secretary shall promulgate the standards
8 pursuant to *paragraphs (1) and (4) of this subsection with*
9 *respect to any waters only if, within a reasonable time after*
10 *being requested by the Secretary to do so, the appropriate*
11 *States and interstate agencies have not developed standards*
12 *found by the Secretary to be consistent with paragraph ~~(3)~~*
13 *(2) of this subsection and applicable to such interstate waters*
14 *or portions thereof.*

15 “(4) *The Secretary shall also call a public hearing after*
16 *reasonable notice on his own motion or when petitioned to do*
17 *so by the Governor of any State subject to or affected by the*
18 *water quality standards promulgated pursuant to this sub-*
19 *section for the purpose of considering a revision in such*
20 *standards. The Secretary may after reasonable notice and*
21 *public hearing and consultation with the Secretary of the*
22 *Interior and with other Federal agencies, with State and*
23 *interstate water pollution control agencies, and with munic-*
24 *ipalities and industries involved, prepare revised regulations*

1 *setting forth standards of water quality to be applicable to*
2 *interstate waters or portions thereof.*

3 “(5) The discharge of matter into such interstate
4 waters, which reduces the quality of such waters below the
5 water quality standards promulgated by the Secretary pur-
6 suant to paragraph ~~(4)~~ (3) of this subsection or established
7 by the appropriate State or interstate agencies consistent with
8 paragraph ~~(3)~~ (2) of this subsection (whether the matter
9 causing or contributing to such reduction is discharged di-
10 rectly into such waters or reaches such waters after discharge
11 into tributaries of such waters), is subject to abatement in
12 accordance with the provisions of this section.

13 “(6) Nothing in this subsection shall (a) prevent the
14 application of this section to any case to which subsection
15 (a) of this section would otherwise be applicable, or (b)
16 extend Federal jurisdiction over water not otherwise author-
17 ized by this Act.”

18 (c) Paragraph (1) of redesignated subsection (d) of
19 the section of the Federal Water Pollution Control Act
20 herein redesignated as section 10 is amended by striking out
21 the final period after the third sentence of such subsection and
22 inserting the following in lieu thereof: “; or he finds that
23 substantial economic injury results from the inability to
24 market shellfish or shellfish products in interstate commerce

1 because of pollution referred to in subsection (a) and action
2 of Federal, State, or local authorities.”

3 *(d) Redesignated subsection (f) of the section of the*
4 *Federal Water Pollution Control Act herein redesignated*
5 *as section 10 is amended by inserting after the words “such*
6 *hearing,” in the fourth sentence thereof, the words “including*
7 *the practicability of complying with such standards as may*
8 *be applicable”.*

9 ~~(d)~~(e) Redesignated subsection (h) of the section of
10 the Federal Water Pollution Control Act herein redesignated
11 as section 10 is amended by inserting after the words “of
12 practicability” in the second sentence thereof, the words “of
13 complying with such standards as may be applicable”.

14 SEC. 6. The section of the Federal Water Pollution
15 Control Act hereinbefore redesignated as section 12 is
16 amended by adding at the end thereof the following new
17 subsections:

18 “(d) Each recipient of assistance under this Act shall
19 keep such records as the Secretary shall prescribe, including
20 records which fully disclose the amount and disposition by
21 such recipient of the proceeds of such assistance, the total
22 cost of the project or undertaking in connection with which
23 such assistance is given or used, and the amount of that por-
24 tion of the cost of the project or undertaking supplied by

1 other sources, and such other records as will facilitate an
2 effective audit.

3 “(e) The Secretary of Health, Education, and Welfare
4 and the Comptroller General of the United States, or any of
5 their duly authorized representatives, shall have access for
6 the purpose of audit and examination to any books, docu-
7 ments, papers, and records of the recipients that are pertinent
8 to the grants received under this Act.”

9 SEC. 7. (a) Section 7 (f) (6) of the Federal Water Pol-
10 lution Control Act, as that section is redesignated by this
11 Act, is amended by striking out “section 6 (b) (4)” as con-
12 tained therein and inserting in lieu thereof “section 8 (b)
13 (4)”.

14 (b) Section 8 of the Federal Water Pollution Control
15 Act, as that section is redesignated by this Act, is amended
16 by striking out “section 5” as contained therein and inserting
17 in lieu thereof “section 7”.

18 (c) Section 10 (b) of the Federal Water Pollution Con-
19 trol Act, as that section is redesignated by this Act, is
20 amended by striking out “subsection (g)” as contained
21 therein and inserting in lieu thereof “subsection (h)”.

22 (d) Section 10 (i) of the Federal Water Pollution Con-
23 trol Act, as that section is redesignated by this Act, is

1 amended by striking out "subsection (e)" as contained
2 therein and inserting in lieu thereof "subsection (f)".

3 (e) Subsection 11~~(a)~~ of the Federal Water Pollution
4 Control Act, as that section is redesignated by this Act, is
5 amended by striking out "section 8 (c) (3)" as contained
6 therein and inserting in lieu thereof "section 10 (d) (3)" and
7 by striking out "section 8 (e)" and inserting in lieu thereof
8 "section 10 (f)".

9 SEC. 8. This Act may be cited as the "Water Quality
10 Act of 1965".

[Report No. 10]

A BILL

To amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes.

By Mr. MUSKIE, Mr. BARRETT, Mr. BAYH, Mr. BOGGS,
Mr. BREWSTER, Mr. CLARK, Mr. DOUGLAS, Mr. FONG,
Mr. GREENING, Mr. HART, Mr. HARTKE, Mr. INOUYE,
Mr. KENNEDY of Massachusetts, Mr. LONG of Mis-
sour, Mr. MAGNUSON, Mr. MCCARTHY, Mr. MCGEE,
Mr. MCGOVERN, Mr. METCALF, Mr. MILLER, Mr.
MONDALE, Mr. MOSS, Mr. NELSON, Mrs. NEUBERGER,
Mr. PEARSON, Mr. PELL, Mr. RANDOLPH, Mr. RIB-
COFF, Mr. TYDINGS, Mr. WILLIAMS of New Jersey,
Mr. YARBOROUGH, and Mr. YOUNG of Ohio

JANUARY 6, 1965

Read twice and referred to the Committee on Public
Works

JANUARY 27, 1965

Reported with amendments

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C. 20250

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HIGHLIGHTS: Both Houses received President's Economic Report. Senate passed water pollution control bill. Senate committee voted to report bill to implement International Coffee Agreement. Sen. Fulbright criticized proposed cuts in agriculture budget and lower price supports. Reps. Bingham and Roosevelt and Sens. Morse and Lausche commended action prohibiting Public Law 480 sales to UAR. Sen. Jordan introduced and discussed bill to provide acreage-poundage controls for tobacco. Sen. Hickenlooper and others introduced and Sen. Hickenlooper discussed bill to adjust wheat and feed grain production and establish cropland retirement program.

SENATE

1. ECONOMIC REPORT. Both Houses received the President's Economic Report (H. Doc. 20) (pp. 1402-7, 1423). The report included the following statement regarding agriculture: "Americans owe much to the efficiency of our farmers. Their

independent spirit and productive genius are the envy of the world. We must continue to assure them the opportunity to earn a fair reward for their efforts. I will transmit to the Congress recommendations for improving the effectiveness of our expenditures on price and income supports."

The President stated that he will propose measures to extend and strengthen the Area Redevelopment Act and urged Congress to enact the special program to assist in redeveloping the Appalachian region. He stated that in "the Kennedy round of trade negotiations now under way at Geneva, we are working intensively for a broad liberalization of world trade in both industrial and agricultural products." He called for improved efficiency and coordination of water resource development programs, an expansion of outdoor recreation facilities, and expansion of the attack on air, water, and soil pollution.

2. WATER POLLUTION. By a vote of 68 to 8, passed with amendments S. 4, to amend the Federal Water Pollution Control Act so as to provide for the establishment of a Federal Water Pollution Control Administration in HEW, to provide grants for research and development in water pollution control, to increase grants for construction of municipal sewage treatment works, and to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters. pp. 1464, 1466-71, 1472, 1474-83, 1481, 1488-1504, 1505-8

By a vote of 75 to 0, agreed to an amendment by Sen. Muskie to provide that adoption of standards and the promulgation of rules and regulations shall be taken in conformity with provisions of the Administrative Procedure Act. pp. 1494-5

By a vote of 50 to 28, agreed to an amendment by Sen. Long, La., to provide that copyrights, patents, and other developments resulting from this program shall be made freely available to the general public. pp. 1495-1503

3. COFFEE. The Finance Committee voted to report (but did not actually report) with amendments S. 701, to carry out U. S. obligations under the International Coffee Agreement. p. D46
4. DISASTER INSURANCE. Passed with amendments S. 408, to authorize the Housing and Home Finance Agency to conduct a study of providing adequate insurance protection for the victims of flood and other natural disasters (pp. 1510, 1511-3). Agreed to an amendment by Sen. Bartlett providing that a report on the study shall be made to the President and the Congress within three years (p. 1512).
5. APPALACHIA. The Public Works Committee reported with amendments (on Jan. 27) S. 3, the Appalachia bill (S. Rept. 13)(p. 1423). Agreed to a unanimous consent agreement providing that a vote on final passage of this bill will be at 3 p. m., Mon., Feb. 1 (p. 1508). Sen. Hruska submitted an amendment intended to be proposed to the bill to strike out Sec. 203 providing authority to the Secretary of Agriculture to make grants to landowners to assist in land development and erosion control (pp. 1447-8); Sen. McClellan submitted an amendment intended to be proposed to the bill to include the Ozark region under the provisions of the bill (p. 1447). Sens. Lausche and Long, La., submitted amendments intended to be proposed to the bill (pp. 1446-7).
6. FARM PROGRAM. Sen. Fulbright criticized proposed cuts in the budget for agricultural programs, and the lowering of price supports for cotton and rice, and inserted an editorial in support of his position. pp. 1485-6
7. PUBLIC LAW 480. Sens. Morse and Lausche expressed support of the House amendment to the USDA supplemental appropriation bill prohibiting sales of agricultural

LEGISLATIVE PROGRAM OF SENATOR WILLIAMS OF NEW JERSEY

Mr. NELSON. Mr. President, in a recent article for one of the fine newspapers of New Jersey, the Newark Star-Ledger, Senator WILLIAMS of New Jersey outlined his legislative program for the coming session.

Although he is especially well known for his deep knowledge of urban affairs, his interests are wide. As chairman of the Subcommittee on Migratory Labor, he has waged a valiant fight to improve the lot of the forgotten Americans who harvest our crops; and as chairman of the Subcommittee on Frauds and Misrepresentations Affecting the Elderly, he has done fine work in exposing the frauds and quacks who prey on our senior citizens.

In this interesting article, Senator WILLIAMS eloquently discusses these and other problems. Most important, he shows his profound concern with building and improving our educational system, surely the cornerstone of the Great Society.

I am sure his thoughts will be of interest to all Senators; and I ask unanimous consent that the article from the Newark Star-Ledger be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Newark (N.J.) Star-Ledger, Jan. 24, 1965]

TIME RUNNING OUT ON OUR URBAN AREAS

In the exciting opening days of the new session of Congress, the Great Society has ceased to be a good campaign slogan and has become a tangible and practicable goal. In his state of the Union message and his health and education messages, President Johnson has already outlined some of the important legislation which will provide the building blocks for the Great Society of tomorrow.

The legislation on which the Congress will act in the coming months will be of tremendous importance to the citizens of New Jersey. As the Senator from a rapidly growing and highly urbanized State, I was greatly encouraged by the Johnson administration's awareness of the needs and problems of our great cities. More than 85 percent of New Jersey's population lives within metropolitan areas, and in the years ahead the vast majority of all America's population will live in cities. The Congress and the President know that time is running out for our great urban areas, and unless we act now, future generations will spend their lives in an ugly amalgamation of asphalt and concrete.

New Jersey lies in the heart of the super-city which will one day spread from Boston to Washington. My chief goal as a Senator from New Jersey will be to make sure that our cities are beautiful, healthful, and happy places in which to live and work. As President Johnson phrased it so eloquently in his state of the Union message:

"An educated and healthy people require surroundings in harmony with their hopes. In our urban areas the central problem today is to protect and restore man's satisfaction in belonging to a community where he can find security and significance."

This will be the central theme of my work in Congress.

The major legislation which the President has proposed so far strikes directly at the problems of our cities. In his education message, President Johnson has proposed bold

and imaginative answers to the educational needs of our children. This \$1.5 billion package will pour more than \$24 million into New Jersey's school system and of this almost \$18 million will be used for the education of children of low income families. Money will be allotted to those school districts where large number of families are living on poverty level incomes.

In addition, preschool programs will be started to enable the slum child—often a year behind the average child in academic achievement—to receive the most benefit from his formal schooling. Three million dollars will go toward improving school libraries and for making more and better textbooks available to New Jersey schoolchildren. Supplementary education centers, which will provide specialized services in language and science training, guidance counseling, programs for the handicapped, and social work services will be established through grants to the State totaling more than \$3 million. I have joined with Senator MORSE in cosponsoring a bill, the Elementary and Secondary Education Act of 1965 which will go far toward accomplishing this necessary strengthening and improving of the educational quality and opportunities of our Nation's schools.

WIDE COVERAGE

The education program covers the entire spectrum of educational need. In this age of automation, a high school diploma is no longer a luxury, it is a necessity. The poverty act work study programs, to provide part-time employment to keep potential high school dropouts in school, are already at work in New Jersey. But we must make sure that the talented high school graduate is able to go on to college or to a technical school.

Last year, I offered a bill to provide scholarships and low-cost, guaranteed loans to students. Under this proposal, the Government would have paid part of the student's interest costs. I am happy that the administration has now adopted this approach to college student aid, and the President has recommended similar legislation to the Congress in this session.

There are two other educational proposals in which I have a deep interest. While the cold war continues, many of our young men will have their education interrupted by military service and they will all too often serve their country's defense at the risk of their own lives. Therefore, during my service in the Senate, I have continually fought for a "cold war GI bill" which will allow today's veteran to continue and to complete his education.

Only a small percentage of our youth ever have to perform military service. Their contemporaries are able to begin their careers or pursue their education without this interruption. The cold war GI bill would enable the veteran to make up for his lost time, and to begin his working life on an equal footing with the nonveteran. Again in this session, I have sponsored legislation to create an education program for cold war veterans.

DIRECTION NEEDED

The increasing participation of the Federal Government in our Nation's education has created a need for a high-level position to direct and coordinate our educational activities. At present, almost 42 different government agencies administer various educational programs. I have joined with my colleague, Senator RIBICOFF, a former Secretary of Health, Education, and Welfare, in sponsoring a bill to establish a Cabinet-level Department of Education. The new Secretary of Education would coordinate and supervise the educational efforts of the Government and undertake the long-range planning necessary for the Government to work close-

ly with States and local communities to improve our educational systems.

The Nation's health is another area into which we can and must channel our vast resources. An adequate, soundly financed program of medical care for our elderly combined with a rise in social security benefits, will ease the financial burdens of retirement which now weigh so heavily on our 18 million citizens over 65.

More than half of our elderly citizens now have no health insurance at all, and many of the private policies for old-age health insurance pay inadequate benefits. Medicare will protect the savings and incomes of the elderly from being wiped out by crushing medical expenses, and will prevent parents from imposing tragic financial demands on their children.

To me one of the most exciting health measures to come before the Congress is the proposal to create regional medical centers. Under a 5-year program, these regional centers would provide specialized services for the treatment of major killers such as heart disease, strokes, and cancer. Affiliated with medical schools, these centers could develop and try out new techniques for eliminating these age-old destroyers of life. They would be centers for a coordinated and concentrated attack on disease.

With our renewed determination to improve the life of our cities, I am confident that a Cabinet-level post to deal with urban affairs will be established this year. I was most encouraged that the President called for the creation of a Department of Housing and Urban Development in his state of the Union message. Such a department would make our efforts to build better housing, and better commuter transit systems even more effective.

One bill of the greatest importance to me as a Senator from New Jersey is the Immigration Reform Act. New Jersey is a State where citizens from many lands live and work together; the national heritages of these different countries has made a vital contribution to our progress and our culture.

As this brief review has indicated, this session will be busy and active. This is a time of hope for America. Although we must continue to resist vigorously the encroachment of communism on the free world, cold war tensions are gradually easing. Defense spending has leveled off, and this year will be reduced by about \$300 million. Although this poses problems for some industries, it will mean that in the years ahead we can devote an increasing share of our national wealth to meeting the health, education, and housing needs of our great Nation. Although it will be a long time before we reach a truly peaceful world, at long last we can begin to beat our swords of war into the ploughshares of peace.

SIR WINSTON CHURCHILL

Mr. McCARTHY. Mr. President, the citizens of the United States share the loss of the people of Great Britain in the death of Winston Churchill, and join them in public acknowledgment of his contributions to our times. His leadership at a time of great danger to the freedom of nations and men is a matter of history and his place in it is secure.

I ask unanimous consent that the New York Times editorial tribute to Winston Churchill, the wartime leader and the man, be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 25, 1965]

SIR WINSTON CHURCHILL

The power and the glory are gone, the soaring oratory, the eloquent pen, the cherubic face, the impish twinkle in his eyes, the jaunty cigar, the vitality that sparked a world.

One measure of Churchill's greatness is that no one today, now that the blaze of his genius has subsided into dust and ashes, need explain or describe or grope for words. He is one of those rare figures in history who stand like skyscrapers above the merely great. Usually history waits to recognize its supreme leaders, but there is no need to wait in Churchill's case.

He was Britain's glory in a special way, for he somehow managed to personify what is magnificent in the English race, and what is most appealing—John Bull with imperfections and eccentricities, but with the courage, the doggedness, the loyalty, the strength. Many who sought to isolate the essential quality of his greatness fastened upon the astonishing vitality. Never was there a man so durable, so indefatigable, so indomitable. It is almost incredible that there was a man among us yesterday who rode in the charge of the 21st Lancers at Omdurman and was a Member of Parliament under Queen Victoria, who served as his nation's Prime Minister as late as 1955.

Yet, durability and vitality are not in themselves a guarantee of greatness. They only assured him life and dominance at a moment of history when all his gifts and those of his people could combine to produce the miracle of Britain in the Second World War.

There was some quality of anticlimax about the rest. When the Great War was won, Winston Churchill was rejected as his nation's leader. A few of his military commanders were critical in their memoirs of some of his wartime decisions—as an earlier generation had been critical of his Gallipoli campaign in 1915-16.

A decade ago his work was done, in the sense that he no longer had the strength to carry on in his beloved House of Commons, although he remained a Member of Parliament almost to the end. In some ways the whole of his life was devoted to the House of Commons. He did go on writing and, in fact, the fourth and last volume of his monumental "History of the English-Speaking Peoples" was published only in 1958. Writing for him was always an avocation although for years he had to make a living out of it and wrote superbly.

He was, too, an orator whose speeches were never dull and sometimes reached the most inspiring heights of which our language is capable. Like Shakespeare, he will be "full of quotations" so long as the English language lives. But no one in later generations will ever recapture the thrill that came to us, listening over the radio in moments of glory and agony, as we heard Winston Churchill speak of "blood, toil, tears and sweat," of "their finest hour," of fighting on the beaches, in the fields, in the streets, of so much being owed by so many to so few.

In the sweet, sad process of looking back we have the consolation of these memories. A man like Winston Churchill makes everyone a part of his life, as if a little of that greatness were shared by each of us. That he should have been half-American as well as "all English" was a special source of pleasure to Americans. Nowhere beyond his native land will be more sincerely mourned than throughout the length and breadth of these United States.

Winston Churchill was the glory of a tremendous era in history encompassed by the two World Wars. He leaves one feeling that an age has gone into history with him. Years ago he wrote that he gave "sincere thanks to the high gods for the gift of exist-

ence." We, too, have reason to be thankful for that gift.

One would like to think of his passing in terms jotted down in a notebook by another supremely great human being, Leonardo da Vinci: "Just as a day well spent brings happy sleep, so a life well spent brings happy death."

ANNIVERSARY OF UKRAINIAN INDEPENDENCE

Mr. WILLIAMS of New Jersey. Mr. President, the cruelty with which man will treat his fellow man often overwhelms me. In recent years we have seen too many tragic examples of cruel oppression, of snatching long fought for and hard won freedom from nations that were just beginning to learn what this greatest of possessions really means.

Forty-seven years ago the determined nation of Ukraine finally won its independence after several hundred difficult, strife-filled years. This liberty was well earned. Only a people dedicated to the principles of freedom and stouthearted enough to preserve years of fighting and torment could have mustered the strength to bring their great dream of freedom into being. The determined and strong people of the Ukraine had these qualities. On January 22, 1918, the word was spread across this brave little nation, "Freedom had come."

Freedom, indeed, had come, but it was short lived. A mere 2 years after their precious achievement, the bold people of the Ukraine felt the iron gauntlet of the Soviet Union and every vestige of freedom in their land was destroyed.

The ruthless and imperialistic oppression of the people of the Ukraine by the Communist dictators in Moscow has not and will not be forgotten. The people of the Ukraine will not be stopped in their desire for freedom by the point of the Soviet sword.

On this 47th anniversary of Ukrainian independence, it is the obligation of all freedom loving peoples to rededicate themselves to the task of freeing all captive peoples throughout the world and ending once and for all time the enslavement of our fellow men.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Jones, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the Committee on the Judiciary.

(For nominations this day received, see the end of Senate proceedings.)

WATER QUALITY ACT OF 1965

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate

resume the consideration of Calendar No. 5, Senate bill 4, the Water Quality Act of 1965, which was made the unfinished business yesterday.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 4) to amend the Federal Water Pollution Control Act.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate resumed consideration of the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MONDALE in the chair). Without objection, it is so ordered.

Mr. MUSKIE obtained the floor.

Mr. MORSE. Mr. President, will the Senator from Maine yield?

Mr. MUSKIE. Mr. President, I am happy to yield to the Senator from Oregon.

FOREIGN AID

Mr. MORSE. Mr. President, I support the amendment added by the House of Representatives to the supplemental appropriation bill.

It is long past time for the Congress to legislate the policy under which foreign aid and food for peace is administered. In fact, Congress tried to avoid this very situation 2 years ago by adding the so-called "aggressors" amendment to the foreign aid bill. In it, aggression was defined so as to bring about a termination of aid when a recipient undertook aggressive adventures against other recipients of our aid.

But the executive branch has ignored the letter and the purpose of that amendment. "Don't mention countries" they always tell us when we review aid legislation. So we did not mention any countries in the "aggressors" amendment, whereupon they have simply ignored it.

Had the administration followed the directive of extending no aid and making no sales under Public Law 480 to a nation guilty of aggression against other nations friendly to the United States we would not be compelled now to specify the United Arab Republic. The refusal of the administration to enforce the aggressor amendment requires Congress to take further action.

Interference in the President's direction of foreign policy? That is the objection raised by the administration. Such an objection is unsound. This is not a foreign policy matter for which the President is responsible under the Constitution.

This is a statute. I say most respectfully that there is a crying need for a refresher course in the State Department on the very elementary principles of the setup of this form of government. They apparently do not comprehend the

meaning of the separation-of-powers doctrine. They apparently do not comprehend the meaning of government by law. They apparently do not comprehend what they teach the children from the grade schools through their post-graduate courses in college, that this is a system of government by three coordinate, coequal branches of government. This is not a government of presidential supremacy, of executive supremacy. The American people must be on guard against this trend in this Republic. Year after year, we are marching farther down the road toward a government by presidential supremacy in the United States. People should read their history. When societies in the past followed that course of action, they ended by losing the freedom of the people. They moved into a police state, taking one form or another of executive supremacy.

As we move into the historic debate on foreign aid this year, this is one Senator that will continue to fight to place checks upon the executive branch of the Government in connection with the administration of foreign aid. Foreign aid rests upon a statute. Senators in this body cannot continue to abdicate their responsibility to direct the executive branch of this Government in the administration of foreign aid. Why, for the past 2 years, we received committee reports from the Committee on Foreign Relations which set out one criticism of foreign aid after another. But the Foreign Relations Committee has refused to do anything about their own criticisms. The overwhelming majority of the Foreign Relations Committee, in committee reports for the past 2 years, has said to the executive branch of the Government: "If you do not do something about these criticisms, you are going to be in trouble in your next foreign aid bill."

Here is one member of the Committee on Foreign Relations who will challenge the Committee on Foreign Relations this year to do something about its own criticisms of foreign aid. I shall insist that they stop passing the buck to the executive branch of the Government with a slap on the wrist and saying: "If you don't do something about it, you are going to have trouble with foreign aid."

Let me say to this administration that it is in trouble over foreign aid across this country from hamlet to hamlet. The issue that has been raised by the House of Representatives presents to us now the first call to action in carrying out what I consider to be the responsibilities of Congress—to protect the rights of the American people in the administration of all types of foreign aid.

We are dealing with a statute. It is the responsibility of Congress to see that the policy and purpose of the statute are clearly set forth and carried out. Without a statute authorizing the President to administer Public Law 480, there would be no sales to the United Arab Republic or to anyone else.

Congress has created the program, and Congress can end the program without interfering one whit in the President's foreign policy functions.

Let no one tell me that it is a matter of tying the President's hands. It is a matter of fulfilling our own responsibilities.

The concept that Congress can create and maintain by law an international aid program, and then wash its hands of responsibility for the results is not going to be accepted by the voters who sent us here.

A repudiation of our commitment under Public Law 480? That is what the administration was alibing as of yesterday afternoon. I say that when Colonel Nasser spit in the eye of the United States he terminated the commitment. The longer we allow Nasser to wipe his feet upon us, the more we prove he is right when he claims that aid from the West is a right, yes, a right, of the less developed nations.

There is being developed in the world today, on the part of the less developed nations, propaganda that they are entitled, as a matter of right, to aid from this country. Taking this position, Nasser's insults, his open aggression against our friends, and his attacks upon American property, public and private, are Nasser's way of proving to his own people, to the Arab world, and to all the undeveloped nations that those who demand tribute from the United States will get it.

The Department of State has been helping him to prove his case. It insists that there should be no standards for food for peace. The State Department has been Nasser's patsy, as it has been Sukarno's. But Congress is not. And only if Congress act by adopting the House amendment will we establish that the American people are not, either.

Unless we are firm on this matter, we of Congress are going to confirm that any and all smalltime Mussolinis of this world have a claim to American food and to American aid with no obligation whatsoever on their part to use it wisely or in conformity with American objectives.

This amendment is no interference with the affairs of another nation. Nasser is free to run his country and its foreign affairs as he likes. But we do not have to help him do it. That is the test. We do not have to help every government do whatever it takes a fancy to. Nasser can tell us to go jump in the lake, he can burn our libraries, invade Yemen, and aid the Congo rebels. But we do not have to subsidize all these things.

Unless we act now, we are going to have all the Nassers of the next hundred years in Africa, Asia, Latin America, and the Middle East putting in their claim on American money and food as their rightful due.

The time has come for the Congress, as the House has already done, to file a caveat in the form of the amendment adopted by the House. The State Department is trying to sell the propaganda to the American people that in some way, somehow, we are under some kind of contractual commitment. It is an elementary principle of contract law that when one party to a contract follows a course of action that violates the terms of

the contract, that party abrogates the contract.

In my judgment, the course of conduct of Nasser constitutes an abrogation of any commitment which the State Department alleges the U.S. Government has made in this matter.

The time has come for the Congress to meet this issue, and I am ready to have it met. I am ready to have the Members of Congress cast their vote. If Congress wants to follow a course of action that I consider to be an abdication of our responsibility under the legislative responsibility it took unto itself when it passed the authorization bill, let those who will so vote answer to the people who sent them here.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Ohio.

Mr. LAUSCHE. For the purpose of information, what is the present language of Public Law 480 with respect to the discretionary right of the administration to send food to the various nations of the world? Secondly, why was the House amendment necessary?

Mr. MORSE. I cannot give the Senator from Ohio, off the top of my head, the exact language. But clearly any discretionary language would in no way prevent Congress from exercising its function by stopping the delivery of food when a country with a little dictator follows such a course of action as Nasser has followed against the United States. I do not see how we could possibly justify sending to Egypt at the present time food of the great value called for in the aid program until Nasser mends his ways.

In my judgment, we cannot permit these little dictators to turn the United States into a shoe-wiping rag, but that is what they are doing.

Mr. LAUSCHE. About 2 weeks ago, I made a statement on the floor of the Senate, after the newspapers had repeatedly carried stories about our libraries, embassies, and properties being destroyed in foreign lands. My statement related to the assault upon our honor and the destruction of our property in Egypt. At that time, I stated that unless we did something about it we would be giving encouragement to people all over the world—in spite of our generosity in helping them—to tear down our flag, to destroy our embassies, to burn up our libraries, and we would do nothing about it.

Mr. MORSE. There is no question about that.

Mr. LAUSCHE. With regard to Egypt, I have felt that Nasser wanted to take our aid, but at every critical moment he declares himself to be in favor of the course of action followed by our enemies.

Mr. MORSE. The Senator from Ohio is correct.

Mr. LAUSCHE. The Senator from Oregon has just mentioned that Egypt is being used as a corridor to send Red Chinese and Russian equipment into the Congo.

Mr. MORSE. It is also a training center area.

Mr. LAUSCHE. It is sending in military equipment to Algeria, Egypt, Ghana,

and the Sudan, which is creating a new problem for us.

Mr. President, I cannot understand it. We believe that by suffering these slaps in the face, by suffering the repudiation of our principles and still allowing our bounty and generosity to become the source of aid to them, we are helping our country.

Mr. MORSE. I agree with the Senator from Ohio. Let me say to him that I intend to speak only briefly today on this situation. I have made this brief statement which is my answer to the propaganda drive of the Secretary of State, Mr. Rusk, on yesterday, to try to persuade Congress to abdicate what I consider to be its responsibilities under the Constitution of the United States in regard to lawmaking.

I shall speak at much greater length, from time to time, during this session of Congress, as we move into the historic debate on foreign aid, because I happen to believe that this is the year in which Congress must return to its exercise of the authority available to it in regard to the foreign aid program.

In one of those early speeches—and I am working on one now—I shall discuss developments in Latin America. I shall speak as chairman of the Subcommittee on Latin-American Affairs. But there are certain forces in Latin America that seem to feel that they should be considered now as being entitled to aid from us in regard to certain kinds of aid as a matter of right.

Watch out for it, because they will try to single us out and hold us up to the world as a country walking out on some kind of obligation.

This year, we had better make it perfectly clear that in connection with foreign aid we are going to help those willing to help themselves in cooperation with us.

We are willing to help with loans on sound investments. Of course, we are going to carry out our great humanitarian obligations to be of assistance to people in times of great tragedy or of starvation, and so forth; but we had better watch out, the way the Public Law 480 program is being handled, to make certain that we do not establish certain precedents of policy that we will rue in the not too distant future.

Mr. LAUSCHE. I agree with the Senator from Oregon that Congress has altogether too frequently been abdicate its responsibility and transferring it to the executive branch under the guise of the use of discretionary power; that is, we write into laws a broad authority for the executive branch to adopt a course that is inconsistent with what was initially intended in the passing of those laws. Let me say to the Senator from Oregon that this abdication of responsibility does not only reside in the foreign aid program; it resides in countless other programs when we give broad power to the various agencies of the executive branch of the Government to practically become legislative bodies through regulations.

Mr. MORSE. The Senator can say that over and over again. He is so right. It is one phase of the march down the

road toward government of executive supremacy in this country. I am for checking it.

BORROWINGS IN THE UNITED STATES BY THE WORLD BANK AND OTHER INTERNATIONAL MONETARY ORGANIZATIONS

Mr. MORSE. Mr. President, a few days ago I spoke on the floor of the Senate in some criticism of the policies of the U.S. Treasury Department in connection with borrowing in the United States on the part of the World Bank and other international monetary organizations.

I have received a very much appreciated letter on this subject from Representative HENRY S. REUSS. His letter and the enclosure in it show that Representative REUSS is concerned about some of the same phases of the same problem that I mentioned.

I ask unanimous consent to insert in the CONGRESSIONAL RECORD at this point, as a part of my remarks, a statement which Representative REUSS released in the form of a press release on January 15, 1965, entitled "REUSS 'Regrets' World Bank Borrowing in United States."

I highly commend Representative REUSS' comment, and I want him to know that I associate myself with his views.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REUSS "REGRETS" WORLD BANK BORROWING IN UNITED STATES

The United States must make additional efforts to eliminate its balance-of-payments deficit. Representative HENRY S. REUSS, chairman of the House Subcommittee on International Finance and of the Joint Senate-House Subcommittee on International Exchange and Payments, said today.

Despite the interest equalization tax in effect throughout 1964, REUSS said, "capital outflow from the United States to the surplus reserve and payments countries of Western Europe is still too large. We ought to be doing everything possible to discourage capital outflow from this country to areas like the Common Market. If need be, we must curb long-term bank loans and ballooning private direct investments in such countries. It is the countries of Western Europe, not the United States, who should currently be doing the major job of capital export."

REUSS also said: "Our basic balance-of-payments position has shown steady improvement, with a record merchandise trade surplus currently running nearly \$7 billion per year. The high fourth quarter overall deficit estimated to have been at the annual rate of \$4 to \$5 billion was due almost entirely to a bunching of Canadian borrowing, exempt from the interest equalization tax, and the deferral of payments by Britain on a U.S. loan. A major part of the remaining basic deficit of \$2 to \$2.5 billion (annual rate) is due to a sustained high volume of private capital outflow from this country and the absence of an equalizing outflow from the surplus rich countries of Europe."

"Under these circumstances, I think it unwise for the U.S. Government to allow the World Bank to sell its \$200 million bond issue in New York this week. When I first heard of this proposed borrowing last summer, I urged the Treasury to deny the World Bank access to our capital market at this time. Though it had the clear power to do so, the Treasury disagreed with me."

"While some part of the new \$200 million bond issue can result in increased U.S. exports, there is a substantial net addition to our deficit. Because World Bank money is lent only as 'hard loans' to creditworthy borrowers, including relatively well-off countries like Japan and Norway, it could afford to borrow money from the European capital market at higher interest rates, and it would be welcome there as it has been in the past. By confining its bond borrowing to Europe, the World Bank could help to reduce the payments imbalance between the United States and Europe as well as to increase its lendable capital."

"It should be part of our balance-of-payments program on limiting capital outflow to divert borrowers like the World Bank or the developed countries to other capital markets. We also have an equal responsibility to save our capital resources for countries which could not qualify for World Bank or private capital loans and for those in balance of payments difficulties."

WATER QUALITY ACT OF 1965

The Senate resumed the consideration of the bill S. 4 to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes.

Mr. MUSKIE. Mr. President, on October 16, 1963, the Senate considered S. 649, a bill to amend the Water Pollution Control Act, as amended. It was a bill which had been subject to rigorous and extensive hearings, producing over 1,000 pages of testimony. It had been subjected to intensive study by the members of the Subcommittee on Air and Water Pollution and the members of the full Committee on Public Works. Members of both parties worked on revisions in the legislation. The final product, as reported to the Senate, retained the original objectives of the bill, but incorporated significant changes which were responsive to the hearing testimony and to the flow of ideas and discussions in the subcommittee. The bill was debated in some detail on October 16, being tested by Members of the Senate who had sincere doubts as to some of its provisions.

Following debate, the Senate passed S. 649 by a vote of 69 to 11, and of the 20 Members not voting, 15 announced themselves as favoring its passage. The House Public Works Committee reported an amended version during the closing days of the 88th Congress. However, no further action was taken by the other body.

In the months and weeks before the opening of the 89th Congress, the members of the Subcommittee on Air and Water Pollution and others interested in the Water Pollution Control Act reviewed S. 649 and the needed changes in the program. S. 4, which is now before the Senate, represents the consensus of that group. It has been cosponsored by 31 of my colleagues, including all members of the subcommittee in the 88th Congress. A hearing was held on the legislation, January 18, 1965. As re-

ported to the Senate, it is identical with S. 649, with two deletions and several perfecting amendments which were adopted by the committee. I shall comment on those changes later in my remarks.

I believe S. 4 is a sound and meaningful legislative approach to the enhancement of the quality of our national water resources. I believe its adoption will strengthen our pollution control and abatement program and will contribute to expanded and more effective efforts at the regional, State, and local level.

I want to express my appreciation to my colleagues who have made a substantial contribution to the development and perfection of S. 4. The chairman of the Committee on Public Works, the senior Senator from Michigan [Mr. McNAMARA], created the special Subcommittee on Air and Water Pollution and has given the subcommittee his backing and support. The ranking majority member of the subcommittee, the senior Senator from West Virginia [Mr. RANDOLPH], has devoted considerable time and effort to the legislation, offering many helpful suggestions.

The ranking minority member of the subcommittee, the senior Senator from Delaware [Mr. BOGGS], has been a creative and constructive partner from the very beginning. His patience and good will and his determination to achieve a reasonable meeting of the minds were essential to our success in the 88th Congress and today.

The exchanges on S. 649 and S. 4 have been healthy. The senior Senator from Kentucky [Mr. COOPER], whose disagreement with the majority of the committee has been recorded in our reports and in the debate, has contributed to a more complete understanding of the issues involved.

The development of S. 4, the Water Quality Act of 1965, has been a rewarding experience for me. It is, in my opinion, the product of creative dialog and legislative craftsmanship.

S. 4 is consistent with and supports the objectives outlined by President Johnson in his state of the Union message, in which he called for an expanded conservation program as part of our effort to achieve the Great Society:

For over three centuries the beauty of America has sustained our spirit and has enlarged our vision. We must act now to protect this heritage. In a fruitful new partnership with the States and cities the next decade should be a conservation milestone. * * *

We will seek legal power to prevent pollution of our air and water before it happens. We will step up our effort to control harmful wastes, giving just priority to the cleanup of our most contaminated rivers. We will increase research to learn much more about the control of pollution.

These objective and approaches stated by the President are reflected in S. 4.

As I mentioned previously, this legislation is, with the exception of two deletions and some perfecting amendments, identical to S. 649, as approved by the Senate on October 16, 1963, by a vote of 69 to 11. The two sections deleted were those relating to the control and abatement of pollution from Federal

installations and the problem of non-degradable detergents.

The Federal Installations section was eliminated from this bill because similar problems with respect to Federal installations are present in the field of air pollution, as well as water pollution. In addition, there were other matters relating to Federal activities in both fields which require separate and more complete consideration. Because of these factors it was decided to cover these matters in separate legislation.

The detergents section was deleted because the members of the soap and detergent industry have reported changes in their schedules for supplying the market with detergents which will degrade more readily than those presently on the market. In view of this change it was considered advisable to conduct additional hearings on the detergent problem to determine the type or need of corrective legislation.

S. 4 includes the following proposals:

First. To establish an additional position of Assistant Secretary of Health, Education, and Welfare to help the Secretary to administer the Federal Water Pollution Control Act.

Second. To create a Federal Water Pollution Control Administration to administer sections 3, comprehensive programs; 4, interstate cooperation and uniform laws; 10, enforcement measures; and, 11, to control pollution from Federal installations, of the act.

Third. To authorize appropriations for the fiscal year ending June 30, 1965, and for 3 succeeding fiscal years in the amount of \$20 million a year for grants for research and development to demonstrate new or improved methods for the control of combined storm and sanitary sewer discharges.

Fourth. To increase grants to individual sewage treatment projects from \$600,000 to \$1 million, and to allow multimunicipal combinations grant increases from \$2,400,000 to \$4 million.

There is also a provision which provides a 10-percent bonus on construction grants for treatment plants where such construction is part of a comprehensive metropolitan plan.

Fifth. To provide procedures for the establishment of water quality standards applicable to interstate waters.

Sixth. To authorize action by the Secretary of Health, Education, and Welfare to initiate abatement proceedings where he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution of interstate or navigable waters and actions of Federal, State, or local authorities.

Seventh. Provisions for audits where Federal funds are utilized under the act, and provisions, under the Water Pollution Control Act, for appropriate application of the authority and functions of the Secretary of Labor with respect to labor standards.

The two perfecting amendments to the bill, as adopted by the committee, relate to the quality standards section of the bill. The first clarifies the procedure relating to the revision of water quality standards, so that the same provisions

for hearings and consultation, followed in establishing standards in the first instance, will be followed in the revision of those standards. There is, connected with that amendment, another amendment which provides a more logical sequence of paragraphs in the standards section.

The second committee amendment requires the hearing board, under the enforcement procedure, to give consideration to "the practicability of complying with such standards as may be applicable." This language is identical with that added to the court review section of the Water Pollution Control Act, as amended, in S. 649 in the 88th Congress. It is considered a clarification of a protection the committee intended to be present in the enforcement provisions of the act.

I have outlined, Mr. President, the provisions of S. 4, its origins, its development, and its senatorial sponsorship and support. In addition, this year, it has the support of the Administration, as indicated in the January 18, 1965, letter to Chairman McNAMARA from the Secretary of Health, Education, and Welfare. In that letter he wrote, in part:

The overall purposes of S. 4 are highly desirable, particularly insofar as they are consistent with the President's goals and objectives noted above. We favor, therefore, the enactment of this legislation as necessary for the effective conduct of the national water pollution control program and the accomplishment of its important aims and purposes.

Mr. President, I ask unanimous consent that the full text of the Secretary's letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, October 11, 1963.

HON. EDMUND S. MUSKIE,
Chairman, Special Subcommittee on Air and Water Pollution, Committee on Public Works, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request of October 10, 1963, requesting my views on S. 649, Federal Water Pollution Control Act Amendments of 1963, reported to the Senate by you on October 4, 1963.

Section 2 of the bill creates a Federal Water Pollution Control Administration, and assigns to that Administration those sections of the Water Pollution Control Act most closely associated with enforcement. As stated in my testimony, existing law would permit the establishment of such an Administration by the Secretary. Public Law 660 places responsibility for the administration of the Water Pollution Control program in the Secretary and, in so doing, gives the Secretary complete authority to prescribe the organization which he deems most conducive to the effective performance of his duties under the act. While the present law is sound in this respect, if legislation is enacted to transfer the enforcement functions of this program to a new Administration within this Department, we would act promptly to implement the legislation.

The establishment of an additional Assistant Secretary for this Department is highly desirable. All of the programs of the Department would benefit from this important and necessary strengthening of the Of-

fice of the Secretary, and this provision of the legislation has my full support.

As also stated in testimony, the provisions in the original bill establishing grants for the separation of storm and sanitary sewers seemed premature. The revisions adopted by your committee establishing a modest program of demonstration grants will aid greatly in the development of sound solutions to this very critical problem.

The Department endorses fully the proposed increases in construction grant ceilings, the general principles of incentive increases in the construction grant program for regional planning, and the provisions for the promulgation of water quality standards.

The bill would establish a permit system to be administered by the Secretary to assure effective cooperation in the control of pollution from Federal installations. All Federal departments or agencies would be required to receive a permit from the Secretary before discharging any matter into the waters of the United States, and the permit would be revoked if pollution originating on a Federal installation is found. The effect of the revocation of such permit is not defined, but we assume that this Department could not require the closing of Federal installations if the permit is revoked. We believe it would be desirable if the responsibilities of the Secretary and of the Federal installations concerned in this regard would be clarified in the legislative history of the bill in the Senate.

S. 649, as reported, contains provisions regarding the promulgation of standards and of regulations to control the use of nondegradable, synthetic detergents. This section, which establishes a technical committee, requires that committee to be composed of an equal number of representatives of the Department and of the industry. This provision of equal representation may lead to a stalemate within the committee and the resulting inability of the Secretary to promulgate effective regulations. If these regulations are violated, no statutory sanctions are provided or provisions for enforcement. Nevertheless, we believe that the general approach of this section of the bill is desirable, and would be likely to have the results desired by the committee.

The overall purposes of S. 649 are highly desirable, and it is our opinion that the bill, which has been reported after the impartial, excellent, and informative hearings held by your subcommittee, has been greatly improved.

Sincerely,

ANTHONY J. CELEBREZZE,
Secretary.

Mr. MUSKIE. Mr. President, the provisions of S. 4 also have the support of the Federal Water Pollution Control Advisory Board, by resolutions adopted by the Board on June 12, 1963, and November 10, 1964. This distinguished panel of public-spirited citizens maintains a continuing relationship with the water pollution control program and has an intimate knowledge of its operation within the Public Health Service and the Department of Health, Education, and Welfare.

Mr. President, I ask unanimous consent that the names and titles of the members and the resolutions of the Board relating to the creation of a Water Pollution Control Administration in the Department of Health, Education, and Welfare be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

WATER POLLUTION CONTROL ADVISORY BOARD

Chairman, ex officio: Hon. James M. Quigley, Assistant Secretary, Department of Health, Education, and Welfare, Washington, D.C.

Executive secretary: Mr. Robert C. Ayers, Department of Health, Education, and Welfare, Washington, D.C.

Mr. Earle G. Burwell, former member, Wyoming State Stream Pollution Committee, Casper, Wyo.

Mr. M. James Gleason, commissioner, Multnomah County, County courthouse, Portland, Oreg.

Mr. Raymond A. Haik, attorney-at-law, Minneapolis, Minn.

Mrs. Burnette Y. Hennington, national secretary, National Federation of Business and Professional Women's Clubs, Inc., Northside Station, Jackson, Miss.

Mr. Gerald A. Jackson, vice president, Champion Papers, Inc., Chicago, Ill.

Mr. Lee Roy Matthias, executive vice president, Red River Valley Association, Shreveport, La.

Mr. Blucher A. Poole, director, bureau of environmental sanitation, State board of health, Indianapolis, Ind.

Mr. William E. Towell, director, Missouri Conservation Commission, Jefferson City, Mo.

Mr. William E. Warne, director, California Department of Water Resources, Sacramento, Calif.

RESOLUTION ADOPTED BY FEDERAL WATER POLLUTION CONTROL ADVISORY BOARD ON JUNE 12, 1963

Whereas the Federal Water Pollution Control Advisory Board was created by Congress and members are appointed by the President for the purpose of reviewing the water pollution problem of this country, appraising public opinion on the subject and making recommendations which would lead to the formation of policies which would effectuate better water pollution control throughout the Nation; and

Whereas there is now pending before the Congress legislation which would transfer the administration of the Federal water pollution control program out of the Department of Health, Education, and Welfare; and

Whereas there is also pending before the Congress legislation which would establish a separate administrative agency within the Department of Health, Education, and Welfare for the Federal water pollution control program; and

Whereas this Board is previously on record in favor of the establishment of such a separate administrative organization within the Department of Health, Education, and Welfare: Now be it

Resolved—

1. That considering the availability of highly qualified water pollution control personnel now in the Department of Health, Education, and Welfare and considering the wealth of knowledge and experience accumulated within that Department in this area this Board strongly urges and recommends that the administration of water pollution control be retained within the Department of Health, Education, and Welfare; and

2. This Board specifically endorses and urges the adoption either by administrative action by the Secretary of Health, Education, and Welfare or by congressional enactment, that section of S. 649 and H.R. 3161 (or similar pending bills) which relates to the establishment of a separate administrative agency for water pollution control within the Department of Health, Education, and Welfare; and be it further

Resolved, That the Chairman of this Board is requested to bring the contents of this resolution to the attention of the Secretary of Health, Education, and Welfare and the chairman of the Senate Subcommittee on

Water and Air Pollution and the chairman of the House Subcommittee on Rivers and Harbors and Public Works so that they may be fully apprised of this Board's deep concern for the need of the immediate upgrading of the water pollution control program within the Department of Health, Education, and Welfare.

RESOLUTION CREATING A WATER POLLUTION CONTROL ADMINISTRATION IN THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Resolved, That the Federal Water Pollution Control Advisory Board, in executive session this 10th day of November 1964, at Chicago, Ill., recommends the creation of a separate Water Pollution Control Administration within the Department of Health, Education, and Welfare.

Mr. MUSKIE. Mr. President, the proposed legislation has the support of the distinguished Governor of California, Edmund G. Brown, who testified before the committee. It is supported by the U.S. Conference of Mayors and other civic organizations. It is supported by the National Wildlife Federation and other conservation groups. Industrial representatives who appeared before the committee and who consulted with us have indicated that while they may not agree with all of its provisions, they believe S. 4 is reasonable in its approach.

Mr. President, I believe S. 4 deserves the high priority accorded it by the administration and by the Senate leadership. Two years have passed since its basic provisions were presented to the Senate. A year and a quarter has passed since the Senate approved S. 649. The improvements that this legislation offers are needed today more than ever.

The need for the acceleration of sewage treatment plant construction and for the correction of the problem of combined sewers is no less urgent than when I introduced S. 649 in January of 1963, or when it passed the Senate in October of that year. As a matter of fact, the delay in enactment of legislation has created a greater backlog of needs in correcting the Nation's water pollution problems.

The committee recognizes that the increased authorizations in S. 4 do not go as far as some members would like. We are conscious of the problems confronting our larger cities where even the \$1 million project authorization contained in S. 4 will not approach 30 percent of the project cost. We are also conscious of the growing needs of smaller communities, where the cost of collection sewers—not eligible for aid under the Water Pollution Control Act—is often larger than that of the sewage treatment works. There are many other fiscal and developmental problems connected with the sewage treatment grant program which must be examined. But none of these questions can be considered adequately without giving attention to the problem of overall grant authorizations. It is the committee's intention to give timely and intensive study to this problem. The views of all interested parties will be solicited in an effort to arrive at a sound and fair total authorization and to correct any inequities which exist in the present grant program.

Today our older cities are faced with the necessity of separating their com-

bined storm and sanitary sewers, or devising means whereby the discharge of runoff from city streets is gradually fed through treatment plants to prevent overloading of treatment systems and the discharge of untreated sewage into public waterways. The correction of the problem of combined sewers requires huge expenditures on the part of communities. Current estimates place the cost of separation in the order of \$30 billion. The \$20 million annual authorization in S. 4 would help launch a research and development program to find improved methods of dealing with the combined sewage problem. Hopefully, this program will also cut the costs of corrective action.

For the program of sewage treatment facilities to be of greater benefit to our larger communities, the limitation on individual and multimunicipal grants needs to be raised. The present ceilings are unrealistic when applied to the considerably greater expenditures which a larger city must bear in installing necessary treatment works. In application, the grants approximate as little or less than 10 percent of the costs involved, and thus they fail to achieve what is at once a primary and necessary objective of the grant program—the incentive to develop local projects for the control and abatement of water pollution.

S. 4 would authorize the establishment of an additional Assistant Secretary to help in the responsibility of the Department to oversee this important sphere of activities. There would also be authorized a Federal Water Pollution Control Administration to carry out certain functions of the Federal Water Pollution Control Act, thus accomplishing two purposes:

First, the new Administration would elevate the status of our water pollution control and abatement programs to a more appropriate and effective level in the Department.

Second, it would free the Public Health Service to concentrate on its primary concern with health in the water pollution field, as it is in other areas.

The importance of establishing water quality standards in our interstate water system is gaining more recognition and support. While this would be a new provision in Federal legislation, it is by no means a new or novel approach to aiding in the improvement of water quality and in the proper management of our water resources. We all recognize that the availability of water of good quality is a necessity for our economic and industrial growth. It is essential to the achievement of the Great Society.

The development and application of water quality standards would enable us to establish objectives and guidelines on the use of our waters and to prevent the misuse and abuse of this vital resource.

Water quality standards would provide techniques which could, in many instances, help us to avoid the necessity for enforcement action. Under present law and procedures nothing is done until pollution has reached the point where it endangers the health or welfare of many people when there then are imposed unconscionable burdens upon in-

dustry and others responsible for dealing with it. Then abatement action is taken and efforts are made to correct a situation which could have been prevented if standards of water quality had been established; municipalities and industries could develop realistic plans for new plants or expanded facilities, without uncertainties about waste disposal limitations which may be imposed.

In my own State, as in others, our previously abundant shellfish producing waters have been immeasurably harmed through disposal of deleterious wastes. The economic losses to shellfishermen have been catastrophic. S. 4 could provide them with effective protection for the first time.

These, Mr. President, are the basic provisions of the Water Quality Act of 1965, as amended by the committee. I urge the Senate to approve S. 4 as a major contribution to the quality of American life.

WATER POLLUTION MORE SERIOUS EACH YEAR

Mr. YARBOROUGH. Mr. President, I strongly support this legislation being brought before the Senate by the leadership of the distinguished junior Senator from Maine [Mr. MUSKIE].

Water pollution is high on the list of our urgent national priorities. Increasing population and industry will necessarily increase water pollution; increasing reuse of the scarce water supplies of a basin will compound pollution problems.

A recent survey showed a national backlog of over \$2 billion of waste treatment works needed to be built now; several hundred millions of dollars should be spent annually to keep population growth from increasing water pollution.

The bill before the Senate today is another modest improvement in the water pollution effort the Federal Government has been engaged in for several years. It provides research and development grants for work on the problems of combined storm-sewage systems, increases the maximum grants possible to communities under the sewage treatment works construction program, and improves the administrative authority over the water pollution program including procedures for establishing quality standards for interstate waters. All of these are reasonable and prudent steps that represent progress. Pure water is necessary for a healthy people. Impure water lowers the health level of a people, and increases the death rate. Clean water makes for clean people.

For all of us who labor here in Washington, the need for faster progress in water pollution prevention is illustrated by the Potomac River that so enhances the majesty of this great city. The Potomac is a beautiful river—until one gets close to the stinking thing. So far as I am concerned, none of us can feel content with what has been done against water pollution until there are again bathing beaches on the Potomac within sight of the Capitol. Then we can feel that the needed job is being done.

I commend my colleagues who have labored so diligently in this field; I assure them of my support for continued

efforts to combat water pollution across the Nation.

Mr. BOGGS. Mr. President, I wish to join with the distinguished chairman of the subcommittee, the very able junior Senator from Maine [Mr. MUSKIE], in the remarks he has just made regarding S. 4, the Federal Water Pollution Control Act Amendments of 1965. I also want to express my appreciation to him and other members of the committee for the great amount of work which has gone into the preparation of this legislation and its ultimate referral from the committee to the Senate floor for action.

As the Senate knows, an almost identical bill to this passed the Senate in the last Congress but, unfortunately, did not receive final consideration by the other body. The bill presently before the Senate is the result of many days of work by members of the committee and many conferences held between State governments, industries, and Federal officials. It is my considered opinion that in this legislation we have a good bill which will go a long way in protecting the wise use of our water resources.

As I think everyone is well aware, the waters of our Nation are one of our most precious natural resources. They are in fact essential to all aspects of our well-being.

With the population growth and the increasing uses of our available waters, their essentiality is becoming more and more evident.

I think it is also well to keep in mind, Mr. President, that commendable progress in pollution control has been made by industry, municipalities, States, regional authorities, and the Federal Government; and it is only because of the scope, number, and complexity of the problems of pollution that I feel this legislation is timely and provides for a more realistic and effective water pollution control program.

As the distinguished Senator from Maine has pointed out, it provides for an "effective national policy for the prevention, control, and abatement of water pollution."

Much concern has been evidenced over the standards section of this legislation; therefore, I would like to make this comment. It is my firm belief that the establishment of standards as provided for in this legislation will reduce the need for enforcement proceedings and facilitate treatment programs because full knowledge would be available as to water quality needs. This authority to establish standards in appropriate cases does not extend the jurisdiction of the Federal Government over water not now covered by existing law. In fact, Mr. President, the members of the committee and the staff have worked diligently in preparing language to make it abundantly clear that the States, interstate agencies, and industries will be fully protected from any arbitrary action by a Secretary of Health, Education, and Welfare regarding established standards. Senators will note that the report as well as the language of the bill make it abundantly clear that the review authority contained in existing water pollution control laws shall take into consideration the prac-

ticability of complying with such standards as may be applicable.

(At this point Mr. TYDINGS took the chair as Presiding Officer.)

Mr. BOGGS. I should like to mention one further thing, Mr. President, and that is the fact that the proposed legislation, unlike S. 649 of the past Congress, does not include a section dealing with water pollution control at Federal installations. Both the chairman of the subcommittee, the junior Senator from Maine, and I, along with others, have introduced a separate piece of proposed legislation dealing with pollution abatement at Federal installations. I feel very strongly that legislation to control pollution at Federal installations is a "must," and that we at the Federal level must place our own house in order before we can expect others to do likewise. I would hope and believe that the Federal installations bill would receive early consideration by the subcommittee and that we would see it enacted into law in this Congress.

Again, Mr. President, let me most sincerely commend the junior Senator from Maine [Mr. MUSKIE], the chairman of our subcommittee, for his leadership in this field of water pollution control and for the many kindnesses and courtesies, he has extended to me during all of our deliberations in the creation of a meaningful proposal in the field of water pollution control.

I urge my colleagues in the Senate to consider this proposed legislation most favorably, and look toward its passage. This proposed legislation will be a reasonable and practical step toward the protection and wise use of our water resources.

I thank the Senator from Maine [Mr. MUSKIE], the distinguished Senator in charge of the bill, for yielding to me.

Mr. MUSKIE. I thank my good friend the Senator from Delaware for his helpful and useful statement, lucid as always, and for his kind, personal remarks.

Mr. MILLER. Mr. President, will the Senator from Maine yield?

Mr. MUSKIE. I yield.

Mr. MILLER. First, I commend the Senator from Maine for his excellent statement on the pending bill. The Senator will recall that last year, when a similar bill was considered by our Subcommittee on Air and Water Pollution Control, a considerable amount of attention was devoted to what might be called the problem of judicial review, with a view to making very clear the procedure that would be followed if the bill became law. I should like to ask the Senator a few questions.

On page 9, the bill contains a provision indicating that violations are "subject to abatement in accordance with the provisions of this section." The section reference is to section 10 of the basic Federal Air and Pollution Control Act, a part of which is amended, along with additions, by the pending bill.

Mr. MUSKIE. The present section 8 will become section 10, if the bill is passed.

Mr. MILLER. That is correct.

Let us assume that action for abatement were taken because of what appeared to be a violation by some individual. What would be the first step involved?

Mr. MUSKIE. The first step would be the calling of a conference, notice of which would be given to States, State agencies, interstate agencies, industries, and municipalities. Any parties in interest would be brought into the conference for the purpose of considering all matters dealing with the problem of pollution in the waters involved. I emphasize that the waters must be interstate waters, under the act.

Mr. MILLER. If the conference procedure, which I presume would be relatively informal, did not result in an abatement, what would be the next step?

Mr. MUSKIE. The conference procedure would be informal. It would not be an adverse procedure in any sense at that point. Its purpose is to establish a factual basis upon which the Secretary may determine whether or not to proceed with an abatement order. The conference would make its report to the Secretary. The Secretary, following the conference, would be required, under the law, to prepare and forward to all water pollution agencies attending the conference a summary of the conference discussions.

In effect, this is a notice to the agencies involved, State and interstate, of the findings of the conference on this very point.

The Secretary is then required to allow at least 6 months for the States or interstate agencies to act upon any recommendations he may make in connection with the conference report. The period is at least 6 months.

If at the conclusion of the period which he allows—and that period is stated, so that all parties are on notice—such remedial action has not been taken, the Secretary shall call a public hearing, to be held before a hearing board appointed by the Secretary.

Mr. MILLER. Do I understand that in the proceedings before that hearing board, it would be expected that the procedure would indeed be an adversary type procedure?

Mr. MUSKIE. Let me read the provision of the act. I am speaking of the present law, and not of S. 4. It reads:

Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of the Hearing Board and at least one member shall be a representative of the Department of Commerce, and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks' prior notice of such hearing shall be given to the State water pollution control agencies and interstate agencies, if any, called to attend the aforesaid hearing and the alleged polluter or polluters. On the basis of the evidence presented at such

hearing, the Hearing Board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the Hearing Board finds such pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution. The Secretary shall send such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution, together with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution, and shall also send such findings and recommendations and such notice to the State water pollution control agency and to the interstate agency, if any, of the State or States where such discharge or discharges originate.

I have read the provisions of the present law in detail in order to emphasize the point that the hearing board, established by the Secretary, does not in itself have the power to direct enforcement action against a polluter. The board is to hear the case as it is developed up to the time when the case is presented to it. Then the board is to make recommendations based upon its findings.

Mr. MILLER. The recommendations are to go to the Secretary. The Secretary, if he thinks such action is indicated, I presume, could then refer the matter to the Department of Justice for enforcement.

Mr. MUSKIE. Yes. The provision for not less than 6 months' notice, is to give a State or interstate agency an opportunity to move in with its own enforcement board. If they fail to act, in the case of a pollution of waters which is endangering the health and welfare of persons in a State other than those in which the discharge or discharges take place, the Secretary may request the Attorney General of the United States to bring a suit on behalf of the United States to seek abatement of the pollution.

Mr. MILLER. In that action, there would be what might be termed a judicial review. Is that not correct?

Mr. MUSKIE. Yes. This is the first adversary proceeding in the whole process, in the sense that we lawyers understand the term "adversary proceedings." It is at this point that the polluter is confronted with the enforcement power of the Government.

Mr. MILLER. At that stage of the proceeding, it would be proper for the person aggrieved and the person against whom the abatement action is being brought to argue the reasonableness of the standards under which the abatement action had been taken?

Mr. MUSKIE. Precisely.

Mr. MILLER. I understand further that in this bill, we have specifically written in another matter than can be considered. It provides on page 10, subsection (d), that the practicability of complying with such standards as may be applicable is also relevant matter. Is that not correct?

Mr. MUSKIE. Yes. I ought to explain what the provision in the bill which the Senator has just read means. Under S. 4 as originally drawn and S. 649 as passed by the Senate, the court was given the power to consider the practicability of complying with the act. This language would give like power to a hearing board in connection with the functions we have described. I think the board had that power under S. 4 as written, but to make it clear, we have inserted it in the language in the section dealing with the powers of the hearing board.

Mr. MILLER. I appreciate the Senator's extended reply to my question. It will help in making clear what the legislative intention of this language is.

One further observation. The Senator has said that at least a 6-month delay must occur to give State agencies an opportunity to proceed in an abatement action. I assume that the procedures under the State laws involved would embrace judicial review. Is that correct?

Mr. MUSKIE. I did not hear the last part of the question.

Mr. MILLER. I assume that the procedures under the State laws involved would admit of judicial review.

Mr. MUSKIE. Yes.

Mr. MILLER. So, either way, the aggrieved person, whether it be in a procedure before a State agency or a procedure under the law proposed by S. 4, has the assurance that there will be an opportunity for judicial review under which the reasonableness of the standards and practicability of compliance therewith will be considered?

Mr. MUSKIE. Yes.

Several Senators addressed the Chair.

Mr. MUSKIE. I yield first to the Senator from Kentucky [Mr. COOPER].

Mr. COOPER. I say to my friend from Iowa that the amendment which I will propose goes to the very point that has been discussed. I shall not discuss it at this time. I disagree wholly with the thesis on which the Senator from Maine bases his argument.

Mr. MUSKIE. I have been reading from the provisions of the present law. I have not interpolated any words of my own.

I yield now to the Senator from Illinois [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. President, I wish to speak very briefly on another matter, but before I do so, I congratulate the Senator from Maine for taking up this very important issue. Increasingly we have interstate problems in dealing with water pollution. The Mississippi is a polluted stream, but eight or nine States are involved in the pollution, and it is difficult to obtain united action on this problem. The same problem exists on lower Lake Michigan as between Indiana and Illinois. The Senator from Maine has made a fine contribution to the solution of this problem.

NOMINATION OF NICHOLAS deB. KATZENBACH TO BE ATTORNEY GENERAL

Mr. DOUGLAS. Mr. President, a few moments ago the President sent to us the name of Nicholas Katzenbach to be Attorney General of the United States. I rise to commend this appointment. Mr. Katzenbach has had a distinguished academic and legal career. He is a graduate of Princeton University, of Oxford, and the Yale Law School. He had the good sense to come to Illinois, and for a number of years was professor of law at the University of Chicago, of which faculty I was once a member. Here he made a very enviable academic record and won the respect of all.

When Mr. ROBERT F. KENNEDY became Attorney General, Mr. Nicholas Katzenbach became an Assistant Attorney General. Then upon the appointment of Deputy Attorney General White to the Supreme Court he was appointed by President Kennedy to that office. Here he bore for several years the burdens of that responsible position. So far as I can tell, he has administered the office with great courage and fairness.

Since the resignation and subsequent election to the Senate of ROBERT F. KENNEDY, Mr. Katzenbach has served as the Acting Attorney General and has done a fine piece of work in that office.

This appointment by President Johnson recognizes demonstrated merit and will prove to be an excellent step forward in the administration of justice in this country.

On behalf of the State of Illinois, I say to the President, "Well done." And to Mr. Katzenbach "Congratulations and heartfelt thanks for intelligent devotion to the public welfare." The Justice Department will be in safe and honorable hands.

Mr. JAVITS. Mr. President, will the Senator from Illinois yield for a comment?

Mr. DOUGLAS. I am glad to yield.

Mr. JAVITS. I join the Senator from Illinois in hailing the appointment of Mr. Katzenbach for another reason, aside from those the Senator has mentioned. Many Senators have had direct and personal experience with Mr. Katzenbach during the days of the civil rights struggle, and I, for one, have been greatly impressed by seeing a man move up through the ranks and achieve a top Cabinet office. No one deserves this as much as Mr. Katzenbach. The appointment will be such a great morale builder for the whole efforts of those who serve the United States that it should be especially noted by the Senate.

I thank the Senator from Illinois for the opportunity to make these comments.

Mr. KENNEDY of New York. Mr. President, it is with the greatest of pleasure that I received the news that

the President of the United States has nominated Nicholas deB. Katzenbach as Attorney General of the United States.

As Assistant Attorney General, then as Deputy Attorney General and as Acting Attorney General, Nicholas Katzenbach has exhibited the highest qualities of mind, devotion, and will. His performance at the Department of Justice over the last 4 years demonstrates his eminent qualification for this new appointment; and its guarantees the distinction with which he will fill it.

Mr. Katzenbach's qualities were apparent at an earlier age. He left college to enlist in the Air Corps during World War II. Shot down and captured, he determined to turn his enforced inactivity to advantage. Studying by himself, with Red Cross books but without the aid of instructors, he gave himself the equivalent of a college education. On returning to the United States after the war, he convinced the university to give him his final examinations, and was awarded his degree magna cum laude. He then went to law school, where he again graduated with high academic honors. He practiced law, and then began to teach. Again he distinguished himself in a short time.

From the campus, he came to the Department of Justice. As Attorney General I witnessed his performance at firsthand. In the most difficult situations, in the most intricate of legal problems, and in the most profound of national crises, his performance was beyond duplication and above reproach. No one was more committed than he to the ideals of freedom and justice upon which this country rests. In the pursuit of these ideals, he shed the light of intelligence, reason, and commitment. But he never allowed the heat of personal feeling, nor even the conviction of ultimate rightness, to obscure his judgment or to place himself in judgment over others.

In short, he is the ideal judicial officer. Under him, the Department will be what its name demands—an agency dedicated to the principle that the Government wins its case when justice is done.

For the post of Deputy Attorney General, the President has made another excellent choice. Ramsey Clark served with brilliance as Assistant Attorney General in charge of the Lands Division. Among his many achievements was a sharp lowering of the length of Government condemnation proceedings. He willingly assumed many duties beyond those nominally assigned to him; and these duties he performed with like distinction. Mr. Clark will be of inestimable value to the new Attorney General as they continue their work, with the dedicated men and women of the Department, for freedom and justice for all Americans.

WATER QUALITY ACT OF 1965

The Senate resumed the consideration of the bill S. 4 to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes.

Mr. SYMINGTON. Mr. President, let me congratulate the Senator from Maine [Mr. MUSKIE] and the members of the Senate Public Works Committee for the speed with which they have considered and reported S. 4. Abatement of water pollution and improved standards of water quality control are most worthy objectives.

In Missouri, we are proud of the fact that we have made great progress in construction of sewage treatment plants, and thus the abatement of pollution of our interstate waters.

In this effort, however, some of our communities, particularly smaller communities such as Caruthersville, Mo., are finding it extremely difficult, if not impossible, to finance the necessary sewage collection and treatment plants.

A community in an economically depressed county, Caruthersville is a city of approximately 8,600 with a high rate of unemployment. Of the 10,443 households in the county, 1,013 are on welfare and 3,518 have been receiving surplus food.

This city is under order from the Missouri Water Pollution Control Board to stop dumping raw sewage into the Mississippi River. The citizens want to meet this requirement. In fact, in August of 1963, they voted by a majority of 659 to 4 to authorize the sale of revenue bonds to pay \$484,000 of the estimated cost of \$908,000 for construction of the sewage treatment plant, interceptor and outfall mains, plus some extension and modernization of the present sewage system.

The city was counting on the accelerated public works program for grants of \$424,000 to pay the balance of the cost. Unfortunately money was exhausted before these worthy applications could be approved.

The city has filed an application for 30 percent of the cost of interceptor, outfall and treatment works, a cost estimated at \$657,000; but it does not appear that such a grant would provide sufficient funds to do the job.

Mr. President, I can understand that in the effort to move rapidly on this present bill, S. 4, the Public Works Committee did not go into problems such as that presented by the city of Caruthersville.

I do note, however, that on page 7 of the committee report—Senate Report No. 10—on this bill that the committee states:

It is the intention of the committee to give early and thorough attention to the financial and technological problems confronting communities, large and small, as they endeavor to control and abate municipal sewage.

The committee is confident that out of the experience we have gained under the present act and from information derived from hearings and technical studies it will be able to develop a sound and expanded program of pollution control and abatement grants designed to meet realistic goals of water quality enhancement.

I would ask the distinguished Senator from Maine if this means that consideration will be given to an increase in the percentage of the allowable grant on the cost of sewage treatment plants and the necessary interceptor and outfall sewage mains connected thereto?

Mr. MUSKIE. Let me say to the Senator from Missouri that it is our desire and intent to go into that question. So far as the larger States are concerned, they are not getting a sufficiently large proportion of the total cost of sewage treatment projects from the Federal Government. I believe that is a legitimate concern. In the development of this program, we have moved toward higher and higher ceilings in that respect, but we still have a problem.

Then there is the question of the percentage of Federal support, particularly in distressed areas. That has been a problem.

The accelerated public works program has been of great assistance in this connection. We have been able to generate Federal grants of 50 percent or more in the past. That experience will be useful to our committee in considering changes in the formulas in the Federal Pollution Act itself.

I assure the Senator from Missouri that it is the full intention of the committee to go into this subject thoroughly, in the hope of developing proposals which will help relieve communities and States, to an even greater extent than in the past, of the burden of dealing with this problem.

Mr. SYMINGTON. I thank the able Senator from Maine. May I ask if this is planned to be done fairly soon?

Mr. MUSKIE. We intend to do it in this session.

Mr. SYMINGTON. In this session?

Mr. MUSKIE. Yes.

Mr. SYMINGTON. I thank the chairman. I appreciate his courtesy in acceding to my request in this particular case, and I am sure that will be true in other cases that will arise in the State of Missouri.

Mr. MUSKIE. Yes; and I expect to hear other remarks on this subject today.

Mr. STENNIS. Mr. President, I, too, commend the Senator from Maine and his subcommittee and the full committee for the very fine work they have done on this timely subject and troublesome question, to which some solution must be found.

GOLD AND FISCAL WEAKNESS

Mr. BYRD of Virginia. Mr. President, the administration's budget message for fiscal year 1966, beginning July 1, was sent to Congress January 25. I am advised that the economic message, and recommendations with respect to amending the requirement that currency in circulation and Federal Reserve deposits be backed by gold to the extent of 25 percent, will be sent today, or shortly.

I think analysis of all of these will clearly show Federal fiscal weakness and breakdown in fiscal discipline on the part of the Federal Government.

To assist in analyzing the reports I have mentioned, and others, I shall ask unanimous consent to make the following insertions in the RECORD:

First, a table showing from 1930 to date: (a) Federal debt; (b) interest on the debt; (c) budget surpluses and deficits; (d) value of the dollar; (e) balance of international payments; (f) U.S. gold stock; (g) Federal Reserve Bank reserves, in gold; (h) Federal Reserve liabilities subject to gold requirements—Federal Reserve notes and deposits; and (i) ratio of Federal Reserve gold reserves to combined deposits and notes in circulation.

Second, an article under the heading, "Trade Trouble: Imports Exceed Exports in Many Key Industrial Lands Besides Britain; but United States Piles Up Surplus; Rising Prices Hurt Sales of Foreign Nations' Goods; Uncle Sam's Capital Outflow." This article was written by Alfred L. Malabre, Jr., and it appeared on page 1 of the January 27 edition of the Wall Street Journal.

It has been suggested that the Senate Finance Committee be briefed by the Treasury Department, and others, on various fiscal and monetary problems now confronting the Nation, including the gold situation and extension of the Tax Equalization Act. The chairman of the Finance Committee is giving this suggestion serious consideration.

I ask unanimous consent that the insertions to which I have referred be made a part of my remarks at this point.

There being no objection, the table and article were ordered to be printed in the RECORD, as follows:

Federal debt, interest on the debt, budget surplus or deficit, value of the dollar, balance of payments, U.S. gold stock, and total reserves, note liabilities and deposits of Federal Reserve banks, showing reserve ratio—1930 to date

| Year | Gross public debt and guaranteed obligations (fiscal year) | Interest on the public debt (fiscal year) | Budget deficit or surplus (fiscal year) | Value of dollar (calendar year) 1939=100 cents | Balance of international payments (calendar year) | U.S. gold stock ¹ (fiscal year) | Total reserves, note liabilities and deposits of Federal Reserve banks, showing reserve ratio | | | | |
|-------------------------------------|--|---|---|--|---|--|---|---|-------------------------------|-------------------------------------|-------------------|
| | | | | | | | Total reserves ¹ (all gold since June 12, 1945) | Liabilities subject to reserve requirements | | | Reserve ratio |
| | | | | | | | | Federal Reserve notes | Federal Reserve bank deposits | Total, note and reserve liabilities | |
| | Millions | Millions | Millions | Cents | Millions | Millions | Millions | Millions | Millions | Millions | Percent |
| 1930..... | \$16,185 | \$659 | +\$738 | 83.2 | +\$598 | \$4,535 | \$3,174 | \$1,424 | \$2,455 | \$3,879 | 81.8 |
| 1931..... | 16,801 | 612 | -462 | 91.4 | +1,132 | 4,956 | 3,576 | 1,723 | 2,504 | 4,227 | 84.0 |
| 1932..... | 19,487 | 599 | -2,735 | 101.7 | +726 | 3,919 | 2,777 | 2,795 | 2,028 | 4,823 | 57.6 |
| 1933..... | 22,539 | 689 | -2,602 | 107.4 | +323 | 4,318 | 3,813 | 3,093 | 2,494 | 5,587 | 68.2 |
| 1934..... | 27,734 | 757 | -3,630 | 103.8 | +1,140 | 7,856 | 5,022 | 3,101 | 4,138 | 7,239 | 69.4 |
| 1935..... | 32,824 | 821 | -2,791 | 101.2 | +1,174 | 9,116 | 6,426 | 3,258 | 5,406 | 8,664 | 74.2 |
| 1936..... | 38,497 | 749 | -4,425 | 100.2 | +896 | 10,608 | 8,385 | 4,034 | 6,585 | 10,619 | 79.0 |
| 1937..... | 41,089 | 866 | -2,777 | 96.7 | +1,053 | 12,318 | 9,159 | 4,206 | 7,278 | 11,484 | 79.7 |
| 1938..... | 42,018 | 926 | -1,177 | 98.5 | +1,482 | 12,963 | 11,041 | 4,149 | 9,247 | 13,396 | 82.4 |
| 1939..... | 45,890 | 941 | -3,862 | 100.0 | +1,915 | 16,110 | 13,874 | 4,511 | 11,701 | 16,212 | 85.6 |
| 1940..... | 48,497 | 1,041 | -3,918 | 99.2 | +2,890 | 19,963 | 18,120 | 6,199 | 15,213 | 20,412 | 88.8 |
| Depression years..... | | 8,660 | -27,643 | | | | | | | | |
| 1941..... | 55,332 | 1,111 | -6,159 | 94.4 | +1,119 | 22,624 | 20,583 | 6,724 | 15,863 | 22,587 | 91.1 |
| 1942..... | 76,991 | 1,260 | -21,490 | 85.3 | -205 | 22,737 | 20,830 | 9,376 | 13,957 | 23,333 | 89.3 |
| 1943..... | 140,796 | 1,808 | -57,420 | 80.3 | -1,979 | 22,388 | 20,582 | 13,872 | 14,022 | 27,894 | 73.8 |
| 1944..... | 202,626 | 2,609 | -51,423 | 79.0 | -1,859 | 21,173 | 19,287 | 18,899 | 15,386 | 34,285 | 56.3 |
| 1945..... | 259,115 | 3,617 | -53,941 | 77.2 | -2,737 | 20,213 | 18,055 | 23,019 | 17,188 | 40,207 | 44.9 |
| 1946..... | 269,898 | 4,722 | -20,676 | 71.2 | +1,261 | 20,270 | 18,103 | 24,191 | 18,206 | 42,397 | 42.7 |
| World War II years..... | | 15,127 | -211,109 | | | | | | | | |
| 1947..... | 258,376 | 4,958 | +754 | 62.2 | +4,567 | 21,266 | 20,039 | 24,154 | 17,748 | 41,902 | 47.8 |
| 1948..... | 252,366 | 5,211 | +8,419 | 57.8 | +1,005 | 23,532 | 22,258 | 23,752 | 29,176 | 43,928 | 50.7 |
| 1949..... | 252,798 | 5,339 | -1,811 | 58.3 | +175 | 24,466 | 23,245 | 23,373 | 19,246 | 42,619 | 54.5 |
| 1950..... | 257,377 | 5,750 | -3,122 | 57.8 | -3,580 | 24,231 | 22,982 | 22,921 | 18,316 | 41,237 | 55.7 |
| Post-World War II years..... | | 21,258 | +1,240 | | | | | | | | |
| 1951..... | 255,251 | 5,613 | +3,510 | 53.5 | -305 | 21,756 | 20,514 | 23,630 | 20,598 | 44,228 | 46.4 |
| 1952..... | 259,151 | 5,859 | -4,017 | 52.3 | -1,046 | 23,346 | 22,143 | 24,826 | 20,559 | 45,385 | 48.8 |
| 1953..... | 266,123 | 6,504 | -9,449 | 51.9 | -2,152 | 22,463 | 21,286 | 25,831 | 20,396 | 46,227 | 46.0 |
| 1954..... | 271,341 | 6,382 | -3,117 | 51.7 | -1,550 | 21,927 | 21,239 | 25,588 | 20,808 | 46,396 | 45.8 |
| Korean war years..... | | 24,358 | -13,073 | | | | | | | | |
| 1955..... | 274,418 | 6,370 | -4,180 | 51.9 | -1,145 | 2,1678 | 20,994 | 25,868 | 19,268 | 45,136 | 46.5 |
| 1956..... | 272,825 | 6,787 | +1,626 | 51.1 | -935 | 21,799 | 21,109 | 26,367 | 19,575 | 45,942 | 45.9 |
| 1957..... | 270,634 | 7,244 | +1,596 | 49.4 | +520 | 22,623 | 21,945 | 26,682 | 19,630 | 46,312 | 47.4 |
| 1958..... | 276,444 | 7,607 | -2,819 | 48.1 | -3,529 | 21,356 | 20,767 | 26,705 | 19,883 | 46,588 | 44.6 |
| 1959..... | 284,317 | 7,593 | -12,427 | 47.7 | -3,743 | 19,705 | 19,416 | 27,402 | 18,832 | 46,234 | 42.0 |
| 1960..... | 286,471 | 9,180 | +1,224 | 46.9 | -3,881 | 19,322 | 19,029 | 27,505 | 19,126 | 46,631 | 40.8 |
| 1961..... | 289,211 | 8,957 | -3,856 | 46.4 | -2,370 | 17,550 | 17,256 | 27,778 | 17,694 | 45,472 | 37.9 |
| 1962..... | 298,645 | 9,120 | -6,378 | 45.9 | -2,203 | 16,435 | 16,158 | 29,021 | 18,445 | 47,466 | 34.0 |
| 1963..... | 306,466 | 9,895 | -6,296 | 45.4 | -2,644 | 15,733 | 15,457 | 30,670 | 18,188 | 48,858 | 31.6 |
| 1964..... | 312,526 | 10,666 | -8,226 | 44.8 | (?) | 15,461 | 15,185 | 32,835 | 18,250 | 51,085 | 29.7 |
| Post-Korean war years..... | | 83,419 | -39,706 | | | | | | | | |
| Total, 1930-64..... | | 153,822 | -287,291 | | | | | | | | |
| Latest Estimate: ² | \$ 320,006 | | | | ³ -2,260 | ³ 15,188 | ⁴ 14,880 | ⁴ 34,837 | ⁴ 18,597 | 53,434 | ⁴ 27.3 |
| 1965..... | 316,900 | 11,200 | -6,281 | | | | | | | | |
| 1966..... | 322,500 | 11,500 | -5,287 | | | | | | | | |

¹ The difference between U.S. Treasury gold stock and Federal Reserve bank reserves represents gold held in Treasury cash, of which \$156,000,000 constitutes a reserve against U.S. notes.

² 3d quarter (only) 1964. Full year not yet available.

[From the Wall Street Journal, Jan. 27, 1965]

TRADE TROUBLES—IMPORTS EXCEED EXPORTS IN MANY KEY INDUSTRIAL LANDS BESIDES BRITAIN—BUT UNITED STATES PILES UP SURPLUS; RISING PRICES HURT SALES OF FOREIGN NATIONS' GOODS—UNCLE SAM'S CAPITAL OUTFLOW

(By Alfred L. Malabre, Jr.)

In a massive turnabout of trade, nearly all the world's great industrial nations now import far more than they sell abroad.

The single mighty exception: The United States, whose multi-billion-dollar trade surplus is the envy of foreign capitals.

Recent worry over the soundness of the pound sterling has riveted world attention on Britain's trade plight. Month after month, Britons have been buying far more abroad than they have been able to sell, and the subsequent outflow of funds has tended to deplete the nation's sagging currency re-

serves. From Paris to Tokyo, the cry has gone up: "The British must work harder and modernize their factories. They must learn to compete more effectively in international trade."

A close inspection of the record, however, discloses there's nothing very unique about Britain's sickly trade deficit of more than \$3 billion yearly. Latest International Monetary Fund statistics—based on three quarters of 1964—show combined exports of the eight leading industrial nations of continental Europe, plus Japan, are lagging some \$6 billion annually behind imports.

Not entirely by coincidence, this deficit almost exactly matches the magnitude of the U.S. trade surplus, and it is a far cry from the \$317 million surplus registered by the same nine nations as recently as 1959. (The industrial nations of continental Europe, by IMF definition, are the six Common Market countries, plus Sweden and Switzerland.)

Many of these nations admittedly have long sustained trade deficits. The record clearly demonstrates, however, that lands which once sported fat trade surpluses have seen their surpluses shrivel, and other nations traditionally plagued by imbalanced trade have seen their deficits grow larger.

The trade deficit of France—a nation not hesitant to proffer financial advice to its distressed British neighbor—is nearing \$1 billion annually, IMF figures indicate. Only 4 years ago, France had a trade surplus of nearly \$600 million.

Four years ago West Germany's trade surplus exceeded \$1.7 billion. In the third quarter of 1964 the same country had no trade surplus at all—its climbing volume of imported goods exactly matched its sagging export volume.

JAPAN'S DEFICIT GROWS

Japan's trade deficit totaled \$143 million in 1959. IMF statistics show the Asian na-

³ Jan. 21, 1965 (Treasury Department).

⁴ Jan. 20, 1965 (Federal Reserve).

⁵ Budget document for fiscal year 1966.

tion's third-quarter deficit in 1964, on an annual basis, was nearly four times that amount.

At a time of much official fretting over U.S. competitiveness in world markets, the record of recent years helps make clear Uncle Sam's fundamental strength in the no-holds-barred battle of international trade.

The picture could change, of course; IMF figures, in fact, show some narrowing of the U.S. trade surplus in recent months.

Moreover, the road ahead is dotted with perplexing imponderables. To cite just one, protective farm policies taking shape within the Common Market seem bound eventually to crimp America's \$1 billion a year sales of agricultural products to the economic bloc. For the present, however, as an IMF economist puts it: "It's plain nonsense to talk about the United States not being able to hold its own in international commerce."

Sidney Homer, a partner and economist of Salomon Bros. & Hutzler, a New York securities firm, adds: "Five or six years ago we were told that the United States had become noncompetitive in world markets, that the new factories of Europe and Japan, with their cheap labor, had all but destroyed our ability to sell abroad. We now know that while there was a germ of truth in this warning, the facts were vastly exaggerated."

CAPITAL FLOW PROBLEM

The record also demonstrates the degree to which the nagging U.S. balance-of-payments deficit is rooted in matters of capital flow, rather than trade. It further underscores how very little the rising exchange reserves of such lands as France have to do with the economics of commercial competition.

The nine industrial countries whose combined trade balance so drastically deteriorated between 1959 and late 1964 in the same span managed to add \$10 billion to their combined supply of gold and reserve currencies. Reserves of the U.S. trade colossus in the same period plunged \$5 billion.

What has happened is that the U.S. trade surplus, despite its great size, has been insufficient to offset a cascading outflow of U.S. capital—dollars for investment abroad, for foreign aid and for the defense of most of the free world. By one recent estimate American investment abroad—much of it in the very industrial lands whose trade balance has deteriorated—now approximates the staggering sum of \$100 billion, nearly twice the total investment of all foreigners in the United States.

"If the United States ever decides, because of its gold losses, to clamp strict controls on this outflow of capital, a lot of foreign countries besides the United Kingdom would find themselves in a financial squeeze," warns the economist of a large New York bank. "They would have to try to get their trade balances into much healthier condition than is now the case."

Such effort would doubtless entail a good deal more economic conservatism than most industrial lands have exhibited in recent years—again, the United States is the great exception.

The table below, based on IMF data, traces what has happened to the cost of living—the generally accepted yardstick of inflation—in key industrial countries since 1959:

| Living-cost rise since 1959 | |
|-----------------------------|---------|
| | Percent |
| Japan..... | 34 |
| Italy..... | 26 |
| France..... | 23 |
| United Kingdom..... | 15 |
| West Germany..... | 13 |
| United States..... | 7 |

In view of the cost-of-living record, it's not surprising that in most industrial lands the average price level of exports has been moving up; in France and Germany, for example, the export price level has climbed roughly 10

percent since 1959. Nor is it surprising that the average price of U.S. exports has barely budged in recent years.

It's true that U.S. prices are measured from a comparatively high base; in absolute terms, the cost of many U.S.-produced goods still exceeds that of foreign-made merchandise. Nonetheless, the record since 1959 suggests there is a significant tie between the relatively high degree of inflation abroad and the foreigners' deteriorating trade posture.

A few statistics on money supply—demand deposits plus currency in circulation—help point up the economic conservatism that underlies Uncle Sam's stable price record. Between 1959 and last year, according to the IMF, the U.S. money supply rose 9 percent. In the same span, the money supply in Germany climbed 40 percent, and that was a mild rise by some standards. Italy's money supply increased 77 percent in the period, France's rose 78 percent and Japan's rocketed 121 percent above the 1959 level.

BEHIND BRITAIN'S FLIGHT

Why, among the great industrial nations, is only Britain in such financial straits? Since 1959, its trade deficit has roughly doubled, but the record clearly shows this is the rule, not the exception.

Much of the answer appears to lie in Britain's rejection from the Common Market. In the 4 years through 1962, before French President de Gaulle dashed British hopes of joining the bloc, U.S. direct investments in the United Kingdom averaged \$286 million yearly. Since then, this annual investment rate has dropped to about \$150 million.

In the 4-year span before the De Gaulle rejection, U.S. direct investments in Britain amounted to 75 percent of all U.S. direct investments elsewhere in Europe. Since then, the rate has dropped to about 20 percent.

WATER QUALITY ACT OF 1965

The Senate resumed the consideration of the bill S. 4, to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes.

Mr. TOWER. Mr. President, I wish to propose an amendment to the bill S. 4. The PRESIDING OFFICER. The Senate must first dispose of the committee amendments.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TOWER. Have not the committee amendments been disposed of?

The PRESIDING OFFICER. They have not. The first committee amendment will be stated.

The LEGISLATIVE CLERK. On page 7, line 14, it is proposed to strike out the word "and"—

Mr. MUSKIE. Mr. President, I move that the committee amendments be considered en bloc, and that the bill as thus amended be considered as original text for the purpose of amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

There being no objection, the committee amendments were considered and agreed to en bloc, as follows:

On page 7, line 14, after the word "and", to strike out "in"; after line 19, to strike out:

"(2) The Secretary shall also call such a public hearing on his own motion or when petitioned to do so by the Governor of any State subject to or affected by the water quality standards set pursuant to this subsection for the purpose of considering a revision in such standards."

At the beginning of line 25, to strike out "(3)" and insert "(2)"; on page 8, line 1, after the word "health", to strike out "and" and insert "or"; at the beginning of line 7, to strike out "(4)" and insert "(3)"; in the same line, after the word "promulgate", to strike out "the"; in line 8, after the word "to", to insert "paragraphs (1) and (4) of"; in line 12, after the word "paragraph", to strike out "(3)" and insert "(2)"; after line 14, to insert:

"(4) The Secretary shall also call a public hearing after reasonable notice on his own motion or when petitioned to do so by the Governor of any State subject to or affected by the water quality standards promulgated pursuant to this subsection for the purpose of considering a revision in such standards. The Secretary may after reasonable notice and public hearing and consultation with the Secretary of the Interior and with other Federal agencies, with State and interstate water pollution control agencies, and with municipalities and industries involved, prepare revised regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof."

On page 9, line 6, after the word "paragraph", to strike out "(4)" and insert "(3)"; in line 8, after the word "paragraph", to strike out "(3)" and insert "(2)"; on page 10, after line 2, to insert:

"(d) Redesignated subsection (f) of the section of the Federal Water Pollution Control Act herein redesignated as section 10 is amended by inserting after the words 'such hearing,' in the fourth sentence thereof, the words 'including the practicability of complying with such standards as may be applicable'."

At the beginning of line 9, to strike out "(d)" and insert "(e)"; and on page 12, after the numerals "11", to strike out "(a)"; so as to make the bill read:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) section 1 of the Federal Water Pollution Control Act (33 U.S.C. 466) is amended by inserting after the words 'section 1,' a new subsection (a) as follows:

"(a) The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution."

"(2) Such section is further amended by redesignating subsections (a) and (b) thereof as (b) and (c), respectively.

"(3) Subsection (b) of such section (as redesignated by paragraph (2) of this subsection) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: 'The Secretary of Health, Education, and Welfare (hereinafter in this Act called "Secretary") shall administer this Act and, with the assistance of an Assistant Secretary of Health, Education, and Welfare designated by him, shall supervise and direct the head of the Water Pollution Control Administration created by section 2 and the administration of all other functions of the Department of Health, Education, and Welfare related to water pollution. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe.'

"(b) Section 2 of Reorganization Plan Numbered 1 of 1953, as made effective April 1, 1953, by Public Law 83-13, is amended by striking out 'two' and inserting in lieu thereof 'three'; and paragraph (17) of sub-

section (d) of section 303 of the Federal Executive Salary Act of 1964 is amended by striking out "(2)" and inserting in lieu thereof "(3)".

"SEC. 2. Such Act is further amended by redesignating sections 2 through 4 and references thereto, as sections 3 through 5, respectively, sections 5 through 14, as sections 7 through 16, respectively, by inserting after section 1 the following new section:

**"FEDERAL WATER POLLUTION CONTROL
ADMINISTRATION**

"SEC. 2. Effective ninety days after the date of enactment of this section there is created within the Department of Health, Education, and Welfare a Federal Water Pollution Control Administration (hereinafter in this Act referred to as the "Administration"). The head of the Administration shall be appointed, and his compensation fixed, by the Secretary, and shall, through the Administration, administer sections 3, 4, 10, and 11 of this Act and such other provisions of this Act as the Secretary may prescribe. The head of the Administration may, in addition to regular staff of the Administration, which shall be initially provided from personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions."

"SEC. 3. Such Act is further amended by inserting after the section redesignated as section 5 a new section as follows:

"GRANTS FOR RESEARCH AND DEVELOPMENT

"SEC. 6. The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes, and for the purpose of reports, plans, and specifications in connection therewith.

"Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by an appropriate State water pollution control agency or agencies and by the Secretary; (2) no grant shall be made for any project in an amount exceeding 50 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration of a new or improved method of controlling the discharge into any water of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes.

"There are hereby authorized to be appropriated for the fiscal year ending June 30, 1965, and for each of the next three succeeding fiscal years, the sum of \$20,000,000 per fiscal year for the purpose of making grants under this section. Sums so appropriated shall remain available until expended. No grant shall be made for any project in an amount exceeding 5 per centum of the total amount authorized by this section in any one fiscal year."

"SEC. 4(a) Clause (2) of subsection (b) of the section of the Federal Water Pollution Control Act herein redesignated as section 8 is amended by striking out '\$600,000,' and inserting in lieu thereof '\$1,000,000,'"

"(b) The second proviso in clause (2) of subsection (b) of such redesignated section 8 is amended by striking out '\$2,400,000,' and inserting in lieu thereof '\$4,000,000,'"

"(c) Subsection (f) of such redesignated section 8 is redesignated as subsection (g) thereof and is amended by adding at the end thereof the following new sentence: 'The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z 15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276(c)).'

"(d) Such redesignated section 8 is further amended by inserting therein, immediately after subsection (e) thereof, the following new subsection:

"(f) Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant made under this section by 10 per centum for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term "metropolitan area" means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President or by the Bureau of the Budget as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President or the Bureau of the Budget lends itself as being appropriate for the purposes hereof."

"SEC. 5. (a) Redesignated section 10 of the Federal Water Pollution Control Act is amended by redesignating subsections (c) through (i) as subsections (d) through (j).

"(b) Such redesignated section 10 of the Federal Water Pollution Control Act is further amended by inserting after subsection (b) the following:

"(c) (1) In order to carry out the purposes of this Act, the Secretary may, after reasonable notice and public hearing and consultation with the Secretary of the Interior and with other Federal agencies, with State and interstate water pollution control agencies, and with municipalities and industries involved, prepare regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof.

"(2) Such standards of quality shall be such as to protect the public health or welfare and serve the purposes of this Act. In establishing standards designed to enhance the quality of such waters, the Secretary shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.

"(3) The Secretary shall promulgate the standards pursuant to paragraphs (1) and (4) of this subsection with respect to any waters only if, within a reasonable time after being requested by the Secretary to do so, the appropriate States and interstate agencies have not developed standards found by the Secretary to be consistent with paragraph (2) of this subsection and applicable to such interstate waters or portions thereof.

"(4) The Secretary shall also call a pub-

lic hearing after reasonable notice on his own motion or when petitioned to do so by the Governor of any State subject to or affected by the water quality standards promulgated pursuant to this subsection for the purpose of considering a revision in such standards. The Secretary may after reasonable notice and public hearing and consultation with the Secretary of the Interior and with other Federal agencies, with State and interstate water pollution control agencies, and with municipalities and industries involved, prepare revised regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof.

"(5) The discharge of matter into such interstate waters, which reduces the quality of such waters below the water quality standards promulgated by the Secretary pursuant to paragraph (3) of this subsection or established by the appropriate State or interstate agencies consistent with paragraph (2) of this subsection (whether the matter causing or contributing to such reduction is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters), is subject to abatement in accordance with the provisions of this section.

"(6) Nothing in this subsection shall (a) prevent the application of this section to any case to which subsection (a) of this section would otherwise be applicable, or (b) extend Federal jurisdiction over water not otherwise authorized by this Act."

"(c) Paragraph (1) of redesignated subsection (d) of the section of the Federal Water Pollution Control Act herein redesignated as section 10 is amended by striking out the final period after the third sentence of such subsection and inserting the following in lieu thereof: ', or he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities.'

"(d) Redesignated subsection (f) of the section of the Federal Water Pollution Control Act herein redesignated as section 10 is amended by inserting after the words 'such hearing,' in the fourth sentence thereof, the words 'including the practicability of complying with such standards as may be applicable'."

"(e) Redesignated subsection (h) of the section of the Federal Water Pollution Control Act herein redesignated as section 10 is amended by inserting after the words 'of practicability' in the second sentence thereof, the words 'of complying with such standards as may be applicable'."

"SEC. 6. The section of the Federal Water Pollution Control Act hereinbefore redesignated as section 12 is amended by adding at the end thereof the following new subsections:

"(d) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(e) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act."

"SEC. 7. (a) Section 7(f) (6) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended

by striking out 'section 6(b)(4)' as contained therein and inserting in lieu thereof 'section 8(b)(4)'.

"(b) Section 8 of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out 'section 5' as contained therein and inserting in lieu thereof 'section 7'.

"(c) Section 10(b) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out 'subsection (g)' as contained therein and inserting in lieu thereof 'subsection (h)'.

"(d) Section 10(l) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out 'subsection (e)' as contained therein and inserting in lieu thereof 'subsection (f)'.

"(e) Subsection 11 of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out 'section 8(c)(3)' as contained therein and inserting in lieu thereof 'section 10(d)(3)' and by striking out 'section 8(e)' and inserting in lieu thereof 'section 10(f)'.

"SEC. 8. This Act may be cited as the 'Water Quality Act of 1965'."

UNANIMOUS-CONSENT AGREEMENT TO LIMIT TIME

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator from Montana.

Mr. MANSFIELD. I should like to propound a unanimous-consent request without the Senator from Texas losing his right to the floor.

Mr. President, I ask unanimous consent that on the Tower amendment in the nature of a substitute there be a time limitation on debate of 1 hour, 30 minutes to be under the control of the Senator from Texas [Mr. Tower] and 30 minutes to be under the control of the Senator in charge of the bill, the distinguished Senator from Maine [Mr. Muskie].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment of the Senator from Texas will be stated.

The legislative clerk proceeded to read the amendment.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENTS BY MR. TOWER

Strike out all after the enacting clause and insert in lieu thereof the following:

"That (a)(1) section 1 of the Federal Water Pollution Control Act (33 U.S.C. 466) is amended by inserting after the words 'Section 1,' a new subsection (a) as follows:

"(a) The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution."

"(2) Such section is further amended by redesignating subsections (a) and (b) thereof as (b) and (c), respectively.

"(3) Subsection (b) of such section (as redesignated by paragraph (2) of this subsection) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: 'The Secretary of Health, Education, and Welfare (hereinafter in this Act called the "Secretary") shall administer this Act and, with the assistance of an Assistant Secretary of Health, Educa-

tion, and Welfare designated by him, shall supervise and direct the head of the Water Pollution Control Administration created by section 2 and the administration of all other functions of the Department of Health, Education, and Welfare related to water pollution. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe.'

"(b) Section 2 of Reorganization Plan Numbered 1 of 1953, as made effective April 1, 1953, by Public Law 83-13, is amended by striking out 'two' and inserting in lieu thereof 'three'; and paragraph (17) of subsection (d) of section 303 of the Federal Executive Salary Act of 1964 is amended by striking out '(2)' and inserting in lieu thereof '(3)'."

SEC. 2. Such Act is further amended by redesignating sections 2 through 4 and references thereto, as sections 3 through 5, respectively, sections 5 through 14, as sections 7 through 16, respectively, by inserting after section 1 the following new section:

"FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

"SEC. 2. Effective ninety days after the date of enactment of this section there is created within the Department of Health, Education, and Welfare a Federal Water Pollution Control Administration (hereinafter in this Act referred to as the 'Administration'). The head of the Administration shall be appointed, and his compensation fixed, by the Secretary, and shall, through the Administration, administer sections 3, 4, 6, 8, 10, and 11 of this Act and such other provisions of this Act as the Secretary may prescribe. The head of the Administration may, in addition to regular staff of the Administration, which shall be initially provided from personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions.

"SEC. 3. Such Act is further amended by inserting after the section redesignated as section 5 a new section as follows:

"GRANTS FOR RESEARCH AND DEVELOPMENT

"SEC. 6. The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes, and for the purpose of reports, plans, and specifications in connection therewith.

"Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by an appropriate State water pollution control agency or agencies and by the Secretary; (2) no grant shall be made for any project in an amount exceeding 50 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration of a new or improved method of controlling the discharge into any water of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes.

"There are hereby authorized to be appropriated for the fiscal year ending June 30, 1965, and for each of the next three succeeding fiscal years, the sum of \$20,000,000 per fiscal year for the purpose of making grants under this section. Sums so appropriated shall remain available until expended. No grant shall be made for any project in an

amount exceeding 5 per centum of the total amount authorized by this section in any one fiscal year.'

"SEC. 4. (a) Clause (2) of subsection (b) of the section of the Federal Water Pollution Control Act herein redesignated as section 8 is amended by striking out '\$600,000,' and inserting in lieu thereof '\$1,000,000.'

"(b) The second proviso in clause (2) of subsection (b) of such redesignated section 8 is amended by striking out '\$2,400,000,' and inserting in lieu thereof '\$4,000,000.'

"(c) Subsection (f) of such redesignated section 8 is redesignated as subsection (g) thereof and is amended by adding at the end thereof the following new sentence: 'The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 1332-15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).'

"(d) Such redesignated section 8 is further amended by inserting therein, immediately after subsection (e) thereof, the following new subsection:

"(f) Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant made under subsection (b) of this section by an additional 10 per centum of the amount of such grant for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term "metropolitan area" means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof."

"SEC. 5. (a) Redesignated section 10 of the Federal Water Pollution Control Act is amended by redesignating subsections (c) through (i) as subsection (d) through (j).

"(b) Such redesignated section 10 of the Federal Water Pollution Control Act is further amended by inserting after subsection (b) the following:

"(c)(1) In order to carry out the purposes of this Act, the Secretary may, after consultation with officials of the State and interstate water pollution control agencies and other Federal agencies involved, and with due regard for their proposals, prepare recommendations for standards of water quality to be applicable to interstate waters or portions thereof. The Secretary's recommendations shall be made available to any conference which may be called pursuant to subsection (d)(1) of this section, and to any hearing board appointed pursuant to subsection (f) of this section; and all or any part of such standards may be included in the report of said conference or in the recommendations of said hearing board.

"(2) The Secretary shall, when petitioned to do so by the Governor of any State subject to or affected by the water quality standards recommendations, or when in his judgment it is appropriate, consult with the

parties enumerated in paragraph (1) of this subsection concerning a revision in such recommended standards.

"(3) Such recommended standards of quality shall be such as to protect the public health and welfare and serve the purposes of this Act. In establishing recommended standards designed to enhance the quality of such waters, the Secretary shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.

"(4) The Secretary shall recommend standards pursuant to this subsection with respect to any waters only if, within a reasonable time after being requested by the Secretary to do so, the appropriate States and interstate agencies have not developed standards found by the Secretary to be consistent with paragraph (3) of this subsection and applicable to such interstate waters or portions thereof.

"(5) No standard of water quality recommended by the Secretary under this subsection shall be enforced under this Act unless such standard shall have been adopted by the Governor or the State water pollution control agency of each affected State.

"(6) Nothing in this subsection shall (A) prevent the application of this section to any case to which subsection (a) of this section would otherwise be applicable, or (B) extend Federal jurisdiction over water not otherwise authorized by this Act."

"(c) Paragraph (1) of redesignated subsection (d) of the section of the Federal Water Pollution Control Act herein redesignated as section 10 as amended by striking out the final period after the third sentence of such subsection and inserting the following in lieu thereof: 'or he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities.'

"(d) Redesignated subsection (h) of the section of the Federal Water Pollution Control Act herein redesignated as section 10 is amended by inserting after the word 'practicability' in the second sentence thereof, the words 'of complying with such standards as may be applicable'.

"SEC. 6. The section of the Federal Water Pollution Control Act herein redesignated as section 11 is amended by inserting '(a)' after 'SEC. 11.' and by inserting at the end of such section the following:

"(b) No interceptor drain shall be constructed or financed, in whole or in part, by any department, bureau, agency, or instrumentality of the United States to carry waste drainage water or treated sewage effluent from the service area of any reclamation project constructed in whole or in part by the Secretary of the Interior within the State of California to a termination point in the San Francisco Bay, the San Pablo Bay, the Suisun Bay, the waters of the Sacramento-San Joaquin Delta, or any channels lying between these bodies of water, unless the Secretary of Health, Education, and Welfare has first made a determination, based upon a study, that the anticipated discharge water from such interceptor drain will not, in the foreseeable future, pollute or increase the salinity, chloride, or pesticide content or impair usability for domestic, industrial, or irrigation purposes of the receiving water in the vicinity of the location where the interceptor drain is terminated, and Congress is given notice of such determination. The Secretary of Health, Education, and Welfare shall consult with the California regional water pollution control boards for the San Francisco Bay region and the Central Valley region before making the determination and shall give consideration to the recommendations and findings of such regional boards."

"SEC. 7. The section of the Federal Water Pollution Control Act hereinbefore redesignated as section 12 is amended by adding at the end thereof the following new subsections:

"(d) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(e) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act."

"SEC. 8. (a) Section 7(f)(6) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out 'section 6(b)(4)' as contained therein and inserting in lieu thereof 'section 8(b)(4)'.

"(b) Section 8 of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out 'section 5' as contained therein and inserting in lieu thereof 'section 7'.

"(c) Section 10(b) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out 'subsection (g),' as contained therein and inserting in lieu thereof 'subsection (h)'.

"(d) Section 10(i) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out 'subsection (e)' as contained therein and inserting in lieu thereof 'subsection (f)'.

"(e) Section 11(a) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out 'section 8(c)(3)' as contained therein and inserting in lieu thereof 'section 10(d)(3)' and by striking out 'section 8(e)' and inserting in lieu thereof 'section 10(f)'.

"Amend the title so as to read: 'An Act to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize recommendations for standards of water quality, and for other purposes.'"

Mr. TOWER. Mr. President, I intend to make only a brief presentation. I intend to ask for the yeas and nays; therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, on the Tower amendment in the nature of a substitute, I ask for the yeas and nays. The yeas and nays were ordered.

Mr. TOWER. Mr. President, I intend to be relatively brief; however, other Senators may wish to speak on the amendment, so I ask unanimous consent that the time for the quorum call not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, my proposal is identical with S. 649, as reported from the House Committee on Public Works last year.

The substitute can be easily described and understood. It simply removes from the Secretary the authority to promulgate standards of water quality. The Secretary is, however, granted authority to make recommendations for these water quality standards, although no such standard may be enforced under the act unless the standard has been adopted by the Governor or State water pollution agency of each affected State.

Mr. President, as the minority views on S. 4 point out, the proposed Federal Water Pollution Control Act, particularly with the discretionary authority conferred up the Secretary, is opposed by a large number of States.

Further, State water control agencies have not had ample opportunity to express their views before the Senate Public Works Committee.

Mr. President, the matter of water quality standards is one that depends on State and regional circumstances, thus basically, the setting of such standards is a function for State and regional agencies.

The Texas Water Pollution Control Board is opposed to S. 4 because of the vast power that would be given to a new Federal agency. The Texas Water Agency fears the encroachment into an area that has always been reserved to State and local agencies.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, with accompanying material, the statement of Joe D. Carter, chairman, Texas Water Pollution Control Board, accompanied by David E. Smallhorst, executive secretary, Texas Water Pollution Control Board, made before the House Committee on Public Works. Many other State agencies have expressed similar opinions.

There being no objection, the statement and accompanying material were ordered to be printed in the RECORD, as follows:

STATEMENT OF JOE D. CARTER

I have with me today Mr. David Smallhorst who is the executive secretary of the Texas Water Pollution Control Board who can field some of these difficult questions that you all toss out every once in a while.

Mr. WRIGHT. Mr. Smallhorst, we are glad to have you with us, sir.

Mr. SMALLHORST. Thank you, sir.

Mr. CARTER. The State of Texas, not being blessed with an abundance of water as some other States, has traditionally held water in high regard and great respect, adhering to the philosophy that water should be maintained in as high a degree of purity as possible.

Texas has been and is continuously moving to assume the responsibility of pollution control within its boundaries and cooperating with its neighboring States on border streams.

The preponderance of testimony presented to the Subcommittee on Natural Resources and Power of the Committee on Government Operations at the Southwest regional hearing, December 6-7, 1963, in Austin, Tex., indicated quite strongly that "no additional Federal water pollution control legislation is needed at this time."

The Texas Water Pollution Control Board concurs in this, and therefore, submits this statement in opposition to S. 649 and related bills.

The Texas Water Pollution Control Board is opposed to S. 649 because it unquestionably would place a great deal of power and authority in the hands of a new Federal agency which would have far-reaching effects threatening encroachment into a governmental area heretofore reserved to the State and local agencies.

Since the beginning of the current Federal water pollution control law in 1956, administration of the program has been competently carried out by the U.S. Public Health Service, and Texas has always enjoyed excellent working relationships with that agency. It is difficult to rationalize, therefore, the advantage which might be gained by any such drastic change in administration as authorized in S. 649.

The Texas Water Pollution Control Board is seriously concerned about and is opposed to the proposal in S. 649 which would authorize the Federal Government to establish standards of water quality. This is a matter depending entirely upon State and regional circumstances and is, therefore, basically a function of State and regional agencies.

Texas is proud of the close cooperation always received from the neighboring States when interstate waters become involved, and such situations have always been handled in a most friendly and effective manner.

It is obvious that quality standards which would be applicable to a "water rich" State would certainly not be applicable to a "water poor" State. There looms, therefore, the very difficult and time-consuming problem of establishing adequate water quality standards on any given stream, not to mention the gigantic task this implies when imposed on a nationwide basis.

The Texas Water Pollution Control Board is charged by the legislature to issue permits for all waste discharges in the State, and an elaborate surveillance and enforcement program has been developed to back up this permit system. Hence, if this Federal law were passed, it would appear there would be a duplication of effort and a needless expenditure of Federal funds. This does not appear to be consistent with the present economy move of the administration, nor would it be conducive to unification of effort.

Pollution abatement is something that cannot be achieved instantaneously but tremendous inroads have been made during recent years, and the machinery for reaching a solution to this problem is currently operational. Inasmuch as amendments were made to the Federal water pollution control law as recently as 1961, it is believed the present act, as amended, has not been in effect a sufficient length of time to indicate the need for further "patch work." Obviously, changing the basic "ground rules" at such frequent intervals does not contribute to a healthy administrative atmosphere. Drastic administrative revisions as proposed in S. 649 might result in retrogression and possibly confusion in the entire program rather than a desirable acceleration of progress.

It is for these reasons the Texas Water Pollution Control Board recommends that no action be taken on S. 649 and related bills which proposes to amend the present Federal Water Pollution Control Act.

Mr. WRIGHT. Mr. Carter, I note that you have appended to your statement a copy of the testimony presented to Jones subcommittee in Austin on December 6 and 7.

Mr. CARTER. Yes, sir.

Mr. WRIGHT. Since that is a subcommittee of another committee of the House, I wonder if it would not be appropriate for us simply to make this additional statement a part of our record at this point.

Mr. CARTER. I would appreciate that, Mr. Chairman, and would like to incorporate our entire statement by reference.

Mr. WRIGHT. Without objection, then, it will be so ordered.

Mr. WRIGHT. Joe—may I call you Joe?—I would like to ask you one thing here. I notice that you are basically in opposition to what you refer to as patchwork. You do feel that the present program is working effectively?

Mr. CARTER. We feel it is in Texas, Congressman WRIGHT. I do not know how it is working in the other States. We feel we have an effective program in cooperation with other Federal agencies in Texas.

Mr. WRIGHT. When the grants program was first inaugurated, there was some apprehension expressed in the committee and on the floor of the House, based on the fear that the presence of Federal matching funds to assist in the most severe cases might in fact discourage some communities and municipalities undertaking a solution of their own problems individually and slow down, rather than accelerate, the cleaning up of our streams. You do not feel that that has been the case, do you?

Mr. CARTER. No, sir.

Mr. WRIGHT. Would you say that the programs as such as accelerated and encouraged and stimulated a great deal of activity which has been needed for a great many years?

Mr. CARTER. Unquestionably.

Mr. WRIGHT. Now, with respect to further amending the law at this time, I have in question that your basic objection, like that of so many representatives of agencies of our States, relates primarily to the establishment of broad national standards and the conferring upon the Secretary the power to make those unvarying standards.

Is this really the crux of your opposition?

Mr. CARTER. That is really the crux of our argument, Congressman WRIGHT.

Mention was made earlier, I believe by Mr. BLATNIK, with respect to the fact that the Secretary was only going to set these standards if the State or local agencies weren't doing a good job. That might be the intention but the language of the act is such, as was brought out by Congressman HARSHA, that he is the sole judge on this. The big print in the bill might leave that impression but the little print kind of takes it away.

Mr. WRIGHT. In other words, the provision as is presently contained in the bill would vest in the Secretary, the authority to determine whether, in his judgment, the States had done a good job?

Mr. CARTER. Dictatorial powers.

Mr. WRIGHT. This does give him the power to set standards, of course.

With respect to the general proposal in section 12 of the bill, I would like to get your views and those of Mr. Smallhorst about the need for additional liaison between the Secretary and the national manufacturers of detergents and with respect to increasing efforts to find detergents with greater decomposability.

Mr. CARTER. I might say, Mr. WRIGHT, that there is no legislation needed for such a program. That could be handled by your Health, Education, and Welfare agency now in cooperation with industry. I see no need for Congress to take action.

Mr. WRIGHT. This authorizes the creation of a technical committee.

Mr. CARTER. That could be created by appointment of the Secretary of Health, Education, and Welfare in cooperation with the industries of the States.

Mr. WRIGHT. I am not certain of the breadth of his authority in that regard. It might be that he could create an additional secretary now.

Mr. CARTER. The point I mention is that he could call industry and say, Let others get together and try to work out this problem of detergents. They are doing it now. In-

dustry is working on this problem. They have found a solution to it. It is just a question of getting this new formula they have worked out into operation. I think industry will solve this problem very shortly.

Mr. WRIGHT. I am sure we do applaud the efforts on the part of industry and any other scientists who may be involved in eliminating this particular problem as soon as possible.

Are there any questions?

Mr. SCHWENGEL. I have one.

I wish to commend the gentleman for his fine statement and position on this problem. I know you are wary of Federal Government authority to establish standards of water quality. Now, you have that right in the State of Texas?

Mr. CARTER. Yes, sir.

Mr. SCHWENGEL. You establish the standard.

Will you give that to us so that we will have that part of the record?

Mr. CARTER. We are very much like Michigan. Our standard is a policywide standard in the sense that all applications for permits which we pass on we are dedicated to the proposition of maintaining the purity of the stream. Under any permit we issue to an industry or municipality, the effluent they contribute to the stream must not deteriorate the quality of the stream from its existing condition.

Then we propose later to come in with those industries and municipalities whose effluent is not quite up to the quality we would like to see and we will move in and amend the permits they have at the present time to require a better quality of effluent.

I might say on standards with respect to municipal effluent, Mr. Smallhorst can probably give you the answer.

Mr. SCHWENGEL. I wish you would continue on that. This is a very important aspect.

Mr. SMALLHORST. The board since its creation in 1961 has followed the policy of requiring what we call complete treatment, producing an effluent of a quality to get technical here, of 20 parts per million BOD, 120 parts total solids and chlorination of 15 parts per million residual after 30 minutes contact. The board is taking this across the board on a statewide basis.

I might say also that as far as Texas is concerned, every city in the State that has a sewage system has some type of sewage treatment plant with the exception of three. This is mentioned in our Jones committee statement. The three towns that do not have a treatment plant, the total population is about 30,000 and they now have active plans underway to correct this situation.

So that our problem, you might say, is more of one not of building plants but to prevent the discharge of raw sewage, but to keep the plants that we have up to date and adequate for the population explosion that we are experiencing in the area.

Does that answer your question, sir?

Mr. SCHWENGEL. Yes. Your policy, then, is one of maintaining the present quality of the water in the streams?

Mr. CARTER. Yes, sir.

Mr. SCHWENGEL. There are areas, especially in Iowa, where we need to improve the water and with this kind of program this would not do this. I ask you, you probably have this kind of situation in Texas, what do you do about those areas where you need improvement?

Mr. CARTER. We propose to move in the trouble areas as soon as possible and require not only the municipalities but also the industries to improve the quality of the effluent they are now discharging.

Mr. SCHWENGEL. What is your policy with reference to industry? Do you force them to do it right now or do you give them a period of time?

Mr. CARTER. We give them a period of time, of course. We try to be rational about it.

As Mr. Smallhorst pointed out, this pollution legislation in Texas is rather new. They had a grandfather clause in it which permitted those making discharges to continue to do so as of the type they were discharging in 1961.

We propose to come into those trouble areas, as I pointed out, and try to correct what we consider bad situations.

Mr. SCHWENGEL. At the present time, it has to be mostly by negotiation, though, isn't it? Or do you have a law?

Mr. CARTER. We have a law. It is \$200 a day fine for continuation of any discharge which the pollution board says they should not be discharging. And we have the injunction process, too.

Mr. SCHWENGEL. What do you do in a situation like this where an industry has moved in because of an invitation from the community with certain assurances about disposal over a period of years?

Mr. CARTER. We have run into that problem when Campbell Soup came into Paris, Tex., with an effluent discharge program that did not quite meet the standards we thought should be met. Through discussions with the management, we worked out what we consider an acceptable practice.

Mr. SCHWENGEL. In that case, you resorted to negotiations.

Mr. CARTER. Yes, sir.

Mr. SCHWENGEL. You probably could not resort to law, then, in that case?

Mr. CARTER. We could have, had the negotiations failed. But we feel it is best to talk these things out with folks.

Mr. HARSHA. Mr. Carter, as I understand, it is the position of the Texas Water Pollution Control Board that no amendments are necessary at this time to the Water Pollution Control Act.

Mr. CARTER. Exactly.

Mr. HARSHA. If amendments are to be made to it, would you favor amendments that expand the research program under that act and possibly increase the construction grants but not go any further than that?

Mr. CARTER. Mr. HARSHA, personally, I do not see why legislation would be needed. That would come under the heading of appropriations.

Mr. HARSHA. There are some limitations under the construction grant, the amount that a grant may be, and to certain types of areas. Then there is a limitation on the amount of grant. I think that is 30 percent of the construction project.

Mr. CARTER. I would answer that and this is my personal answer and not for the pollution board. We are doing very well under the program. I see no reason to change it.

Mr. HARSHA. Thank you.

I have one other thing: What is Texas doing in the oil field brine situation?

Mr. CARTER. That is my biggest headache.

The pollution board at the present time is issuing permits for the disposal of oilfield brine. We sent out 70,000 applications here a few weeks ago to the oil operators who in turn are returning them indicating how much oilfield brine each well is producing, how they are disposing of it, and so forth. We are in the process of holding hearings with a view of what we term "no pit law," you can't put the salt water you are disposing of into an open unlined pit.

One area that we are having our biggest hearing on is what we call the area overlying the Ogallala formation in west Texas which covers around 47 counties. These hearings are in progress.

We have been working closely with the oil industry, Mid-Continental Oil & Gas Association, and all the representatives of the oil companies, trying to come up with procedures to get rid of this salt water by injection primarily, and that is not the solution to the problem in its entirety because

you must be very careful in injecting this brine into the subsurface. You must have these injection wells properly cased. You must be careful about the pressure under which this salt water is injected.

We have closed two counties, three counties, issued orders where they cannot use these open pits for salt water disposal purposes. It is a tremendous job. With 70,000 less, producing less.

Mr. HARSHA. Is there any research program going on, either conducted by the State or industry to develop a method of disposal?

Mr. CARTER. The State and industry are working together to come up with what we consider proper injection procedures. We have just about got together on it. There is a little area of disagreement. We feel that through this cooperative effort we will arrive at a solution to the problem. It is a tremendous job.

Mr. HARSHA. Thank you.

I have no further questions.

Mr. WRIGHT. Thank you very much, Mr. Smallhorst. We greatly appreciate your having come and given us the benefit of your experience and following and background.

Mr. SMALLHORST. Thank you.

TEXAS WATER POLLUTION CONTROL BOARD

(Abstract Statement presented to the Jones Subcommittee on Natural Resources and Power of the Committee on Government Operations, southwest regional hearing, December 6-7, 1963, Austin, Tex.)

PHYSICAL CHARACTERISTICS OF TEXAS AFFECTING WATER POLLUTION CONTROL

In order to fully appreciate some of the water quality or water pollution control problems of Texas, some knowledge of the physical characteristics of the State itself is desirable.

1. Texas is big. Over 264,000 square miles in area. This presents obvious administrative problems in surveillance and water quality monitoring activities and dictates the type of cooperative program which has been developed over the years.

2. Texas is a water-scarce State, with average annual rainfall ranging from less than 10 inches on the west to about 50 inches on the east. This is a wide variation and profoundly affects surface runoff in Texas river systems.

3. Evaporation rates exceed rainfall rates. This indicates generally arid conditions with resultant water losses due to evaporation and definitely affects water quality.

4. Most of the river systems of Texas are intrastate, with the Canadian, the Red, the Sabine, and the Pecos being the only interstate rivers and the Rio Grande being an international boundary. Interstate compacts are in effect on the Pecos and Sabine Rivers; a commission is developing an agreement on the Red River, and the waters of the Rio Grande are under the immediate control of the International Boundary and Water Commission.

5. In general, the river systems of Texas head in the western areas of the State—the most arid areas—and flow in a southeasterly direction to the gulf. In some of the western headwater areas natural minerals tend to contribute to deterioration in quality of the runoff water.

6. Texas relies heavily upon its underground water resources. Protection of the quality of this water supply source is of vital importance. Also the effect of return flows from these underground sources upon the quantity and quality of surface river systems is a matter of interest.

7. In Texas, areas of population concentration are located at, or near, the headwaters of some of the major river systems. This feature complicates the water quality control picture not only as to furnishing these areas

with adequate water supply sources, but also concerning the downstream effect of return "used" waters upon the river system.

8. The production of oil and gas in Texas has been developed generally on a statewide basis so that the disposal of the byproducts of this industry (oil and gas field wastes) is a matter of interest in every river basin of the State.

9. Concentration of the major manufacturing industries of Texas is along the gulf coast with waste discharges to tidal waters, hence the resultant problem is different than where such discharges are to fresh waters.

TEXAS WATER POLLUTION CONTROL PROGRAM

The initial water pollution control statute of Texas was passed in 1917 vesting the authority for enforcement primarily with the State health department. In 1961, the State legislature enacted a new law codified as article 7621d creating a water pollution control board comprised of three ex officio members and three appointive members.

This law also established a permit system wherein all wastes discharged into or adjacent to the waters of the State must be in accordance with a valid permit issued by the board. This board is now completing its second year of operation, and in this relatively short time, considerable progress has been made and some general observations can be made as to the effectiveness of this type of administration.

1. The initial phase of setting up the machinery for operation under the new law is just now being completed—after establishing rules, regulations, and modes of procedure for obtaining permits—in that most all "statutory" or "grandfather" permits have been issued for municipal and industrial discharges. Applications for oil and gas waste discharges have been issued by the board. In this process it has been noted that numerous corrective measures are being obtained by mutual agreement and the planning of needed improvements is being initiated.

2. Water-pollution-control committees of interested groups have proved to be invaluable in assisting the board in setting up this basic machinery. These groups included the Texas Water and Sewage Works Association, the Texas Water Pollution Control Association, the Texas Water Conservation Association, the Texas Manufacturers Association, the Texas Chemical Council, the Texas Society of Professional Engineers, and the Texas Public Health Association. Close communication with these groups is deemed vital in assuring the cooperation required for a successful program.

3. By relying upon the cooperating State agencies (water commissions, parks and wildlife, and the health department) for technical and field services, duplication of effort and service is eliminated, with a considerable financial saving to the State.

4. In its short period of operation the board has held public hearings and has issued orders relative to municipal, industrial, and oil- and gas-field waste discharges. The board has initiated a survey of the Galveston Bay waters to obtain needed basic data for the establishment of water quality objectives in this vast area involving some 511 square miles of water surface. One small segment of this survey is the Clear Lake watershed which includes the NASA development complex, and another area is the industrial complex along the Houston ship channel.

5. Clear Lake has been determined by the board to be conserved as a recreational lake and intensive studies are underway toward this end. Determinations will be considered by the board in June or July of 1964 as to the desired water quality objectives in the

ship channel, following completion of the first phase of the survey.

PRESENT STATUS OF THE WATER POLLUTION CONTROL PROGRAM IN TEXAS

Probably one of the most outstanding achievements of the past water-pollution-control program has been in the field of municipal waste treatment and disposal. An active partner in this endeavor has been the Texas Water and Sewage Works Association—an association of almost 4,000 members, all of which are intimately connected with the municipal waste treatment field. This association has gained national and even international recognition for its intensive operator training program as well as its never-ending efforts to broaden the scope of technical advances in waste-water treatment knowledge. The association has been influential on the local level in bringing about needed construction and elevating the status of local operators. As a result, it is with considerable pride that the board reports that every city within the State of Texas having a sewage collection system has some type of sewage treatment facilities with the exception of three small municipalities located along the gulf coast. The 1960 population of these three municipalities was only about 30,000, and each of them is now actively engaged in abatement programs.

Indicative of the high regard Texans have for water is the extensive use of waste water for irrigation purposes. Presently 119 municipalities utilize sewage plant effluents for the irrigation of cotton, cattle feed crops, and pasture land.

Coupled with the development of these irrigation systems, Texas pioneered in the application of holding ponds (now called sewage oxidation or waste stabilization ponds) as a type of inexpensive but efficient secondary treatment unit. These ponds are being used by 284 municipalities in Texas.

The application of sewage plant effluents for industrial uses was begun in Texas in the late 1930's. At the present time three refineries are using municipal effluent for cooling water, and one of these further uses the refinery waste water for flooding operations in the oil production industry.

Texas has 998 municipal waste-water treatment plants; consequently, apprising municipal officials of the status of their facility, the need for planning, financing, and constructing plant enlargements to keep abreast of population growth and the proper maintenance and operation of the treatment works is one of the principal functions of the enforcement agency. Construction grants made available under Public Law 660 have proven of tremendous aid. One hundred and thirty-one projects have been completed and an additional 110 projects are under construction or have been approved. Of the 110 projects just mentioned, 22 are under the accelerated public works program.

There is an active water quality monitoring program underway. This consists of monthly samples being obtained at 276 points located on the rivers and major tributaries of the State. This program has been in effect since 1957 as a cooperative activity between the health department and the parks and wildlife department. Evaluation of data discloses water quality conditions to be generally good with evidence of mineral contamination affecting rather large areas of three river systems, whereas organic contamination is locally confined below major areas of population.

Utilizing the framework of the statewide monitoring program, samples were taken and the baseline radioactive levels of the surface waters of the State were determined.

Under provisions of article 7621b, V.C.S., the Texas Water Commission, in close cooperation with the water pollution control board, administers a permit system for the disposal, by subsurface injection, of municipal and industrial wastes.

Since most of the major industries are concentrated along the gulf coast, the problem of industrial waste disposal is not one as acute as it might be if these industries were located inland. Under the new permit system water quality objectives for tidal water will be established by the board in the near future.

The permit system for oil and gas field wastes is in the early stages of establishment with some 70,000 applications for permits having been mailed to operators.

Studies of the control of natural pollution sources are well advanced by the U.S. Public Health Service and the Corps of Engineers.

Status of permits issued by the board to date is as follows: Municipal, 542 statutory issued, 167 being processed, 41 regular issued. Industrial, 1008 statutory issued, 59 being processed, 19 regular issued. Oil and gas, 70,000 applications for permits mailed to operators. Hearings held on permits, et cetera, 41 municipal, 19 industrial, 10 oil and gas.

WATER POLLUTION CONTROL NEEDS

Due to the general water-scarce characteristics of Texas and the deep respect of the average citizens toward water, there is no public apathy toward support of the water pollution control program. With the type of approach being taken by the board, and in view of trends observed during the short time of its operation, it seems that the water pollution control program of Texas is receiving full support from all interested groups. On this basis, therefore, the "can-do" spirit is becoming more and more apparent in State-local relationships. Of primary importance at this time is the ability to furnish the know-how leadership for keeping pace with the rapidly increasing economic, industrial, and population growth of Texas. Most of these problems are local in nature and will be resolved through State-local cooperative endeavors. Others, however, are not limited to matters of this nature, and consequently, involve areas of Federal contribution to the program. A few suggestions of such problem areas are as follows:

1. Being on the threshold of increased water reuse in Texas, it is becoming more urgent that techniques in the art and science of waste water treatment be drastically broadened and improved.
2. There is a need for the development of reasonably priced, portable, and reliable instruments, recording devices, and data transmission systems for water quality monitoring networks and close surveillance.
3. Better and more quickly determined parameters of water quality are needed.
4. More information is required concerning bioassay tests on salt water fishes, shellfish, and other marine life.
5. Studies are needed on methods and materials to assure the construction of a "tight line" from the house to the treatment plant.
6. Consideration could be given to a program which would encourage plant operators and superintendents to conduct studies and applied research on waste water treatment process improvements.

In conclusion, the State enforcement agencies, in effect, represent the frontline troops fighting the battle against pollution but are relying upon the logistic support of the Federal Government to develop new and advanced equipment and techniques. If the States receive this kind of support, then certainly they will be in better position to meet and conquer the common enemy, water pollution.

Mr. TOWER. Mr. President, the adoption of my amendment in the nature of a substitute would not hinder water pollution control. Indeed, my amendment merely recognizes that the primary responsibility for pollution control lies with the affected States.

Too often there is a tendency to face up to a problem by creating some sort of new authority that places arbitrary discretion in only one person. That is what I believe has been done in this instance. I do not believe that any one person should possess such power.

I should like to express commendation and appreciation to the distinguished senior Senator from Kentucky [Mr. COOPER] for having the perception to point out to Senators the inherent danger in the enactment of legislation of this kind. He has said that it would give the administrator the authority virtually to zone practically every body of water that feeds into a navigable stream. The significance of such vast power should and must be understood. Furthermore, conceivably at some time such power could be used as a political bludgeon.

So I urge the Senate to give favorable consideration to my amendment in the nature of a substitute. It has already been acted on by the House committee. It is, in effect, the work of the House committee, which broadly representative and had considered the various angles. It was a committee that possessed a large Democratic majority at the time the report was made.

I urge the Senate to adopt my amendment because I believe it is a sound and sane solution of what I believe is an inherent and fatal weakness in the bill. At the same time, I do not believe my amendment would narrowly proscribe what we are trying to do in trying to mitigate the pollution of our streams. Certainly something must and should be done in that field, but let us do it in the right way. Let us not run roughshod over the Federal system.

Let us recognize that Governors and State agencies are conscious of the needs, the problems, and the ramifications of the enforcement and other provisions of the act in their own areas and, therefore, should have a decisive voice in the establishment of water quality standards.

Mr. President, I yield 5 minutes to the distinguished senior Senator from Kentucky.

Mr. COOPER. Mr. President, later I shall speak in more detail on this subject in connection with an amendment I shall offer.

In 1963, a bill almost identical to S. 4 was presented to the Senate. I raised in the Senate then, some of the issues which have been discussed by the Senator from Texas [Mr. TOWER]. I pointed out that vast powers were proposed to be given to the Secretary of Health, Education, and Welfare—powers which, in my judgment, would be greater than any powers now given to any other official in the Federal Government. That bill as S. 4, now before us, did not assure to the States, to interstate compacts, to municipalities, the right to participate fully in the development of water quality standards.

It is questionable whether any right of judicial review is provided to the States by S. 4. The bill confers vast power, one which would enable the Secretary, as stated by the Senator from Texas, to zone every body of interstate water in the United States, and to prescribe the

uses of such waters or portions thereof. Nothing like this has ever been proposed before.

In 1963, my efforts were rejected, and the bill went to the House. A different situation obtained there.

During the 1963 hearings in our committee, no Governor was called, some but not many State water authorities were called. But Governors and State water authorities were called in the House. Without exception, the Governors and State authorities who testified before the House committee, protested the ultimate grant of power to one man to fix water quality standards. The House Public Works Committee rejected the Senate bill. In its place, it substituted the measure which is now proposed by the Senator from Texas. I would support S. 4 if there were some provisions in it for the effective participation of the States in the preparation of proper quality standards and for their proper judicial review.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TOWER. Mr. President, I yield such time to the Senator from Kentucky as he may require.

Mr. COOPER. I support the amendment of the Senator from Texas. If the amendment should be rejected—and I am not suggesting that it will be, although I know the great fighting spirit of the Senator from Maine—I shall offer an amendment that will at the least assure that States, municipalities, and individuals will have the right to have the action of the Secretary reviewed by a court. I support the pending amendment.

Mr. MUSKIE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized for 5 minutes.

Mr. MUSKIE. Mr. President, the interesting aspect of the chore that I have had for almost 2 years in dealing with this bill and the arguments against it is that I am often in the position of trying to explain what the bill is and how irrelevant the arguments against the bill are, before I can proceed to deal with the arguments advanced against the bill.

I am interested in the argument of the Senator from Kentucky that the bill gives the Secretary vast powers that are greater than the power given to any official of the Federal Government. This is a form of exaggerated statement that does not stand up. I can illustrate that by referring to the Secretary's power in this very field. It is a power that was considered at the hearings. That is the power of the Secretary to absolutely prohibit from shipment in interstate commerce shellfish which the Public Health Service finds deleterious to health. This is an absolute prohibition which can put a man out of business, as it has done in my State, in the case of the clam diggers and shellfish harvesters along the coast of Maine. There is no recourse whatsoever to the Federal Government for protection against that type of calamity.

The statement of the Senator from Kentucky that the powers asked for on behalf of the Secretary are greater than any powers now existing does not stand

up. I am sure that the Senator would agree with me if he were to give the subject further thought.

The proposal presented to us by the Senator from Texas is very interesting. He is saying that the Senate, rather than accept the recommendation of its own committee—a recommendation sponsored by all members of the subcommittee, dealing with the subject, Republicans and Democrats, and reported by the Subcommittee on Water Pollution—should accept the recommendation of a House committee, not of this Congress, but of the previous Congress.

It is a recommendation that the House itself never acted upon. The Senator from Texas is asking us to accept this proposal, not only against the recommendation of our own committee, but also against the action of the Senate itself in October 1963 when it passed this bill, and particularly this section, in almost exactly the same form by a vote of 69 to 11, with 15 Senators not voting, but expressing their favorable position on it.

We are asked to take the position that this vehicle of the House committee, never acted upon by the House, should be given that weight in the Senate merely because the action of the Senate as a whole was rejected.

I have never found that the Senate was willing to concede its own prerogatives in any time past, and I doubt that it will concede its own prerogatives now.

The substitute offered by the Senator from Texas differs from the Senate bill in one important respect, which I think is at the heart of his proposition. That is with respect to the water quality standard section of the bill.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MUSKIE. Mr. President, I yield myself such additional time as I may require.

The House bill, for all practical purposes, eliminates any power of the Secretary to establish water quality standards on interstate streams, and substitutes for it the dubious right to make recommendations for standards of water quality.

Under the House bill, the Secretary could not even make recommendations on standards under the provisions of the present law, prior to such time as an enforcement action is begun by a conference. If he should undertake to give consideration to an interstate waterway, in which case he thought a little preventive medicine might avoid a great deal of economic hardship—which is the position now taken by industries and communities—if he should feel that he ought to recommend certain standards of water quality which may apply to preventive measures to the interstate or State agencies involved, under the House version of the bill, he could not make recommendations to anybody. So in the House bill, he is not even given full and clear authority to recommend standards.

On page 22 of the proposed substitute, there is this interesting language:

No standard of water quality recommended by the Secretary under this subsection shall be enforced under this Act unless such standard shall have been adopted by

the Governor of the State Water Pollution Control Agency of each affected State.

That language, "each affected State" means not only the State being injured, but the State doing the injury. Is it conceivable that in this type of situation, the Governor of a downstream State which has been injured by its pollution would seemingly accept such a standard if pressures were brought to bear upon him within his own State, by industrial polluters of the waterway, not to accept such standards? Is it conceivable that a Governor or a legislature which had found it impossible to generate a public policy or program within its own State to deal with that situation would willingly accept the recommendation of the Secretary of the Department of Health, Education, and Welfare in such circumstances? I doubt it.

It has not happened before. It is because it has not happened before and because these problems have accelerated and accumulated, that it is before the Senate today. It is because it has not been done before that the bill passed the Senate 2 years ago. And it is because it has not happened before that the need has been so clearly recognized by so many people, many of whom I have referred to already in my remarks today.

Mr. President, I shall sum up with one or two observations about S. 4 on the question of water quality standards.

The standards would be pertinent in two different kinds of situations. One situation would be one in which already there is pollution which endangers the health or welfare of any person. I use that language because that language is found in the present law, which gives the Secretary the right to move into such situations without any standards whatsoever. The proposed standards in that kind of situation would be a warning to people, in advance of enforcement proceedings, that there was a situation requiring corrective action.

The other kind of situation in which water quality standards would be needed is a situation in which there is no pollution at the present time but in which a little preventive medicine is called for, not only in the interest of those who like to use water for recreation, or for drinking, or for water skiing, but in the interest of industry. There have been instances in my State in which we could not allow an industry to settle on the banks of a stream because there was no more oxygen left in the stream. So it would serve the industrial health of that community to have water quality standards established to avoid the expenditure of that oxygen so that the water will be available not only for recreation, but for industry.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MUSKIE. For those reasons, which could be expanded ad infinitum, I urge the rejection of the amendment of the Senator from Texas.

Mr. TOWER. Mr. President, I yield myself 3 minutes. I should first like to comment on the contention of my friend the Senator from Maine that we should accept the work of the Senate committee and reject that of the House committee.

I recall reading of an incident which occurred when Mr. Thomas Jefferson returned from France after the Constitution had been framed. He called on George Washington. They were having a cup of coffee. He said to Mr. Washington, "Tell me, Mr. Washington, why do you have a bicameral Congress?" Mr. Washington said to Mr. Jefferson, "Why are you pouring coffee from your cup into your saucer?" Mr. Jefferson said, "To cool it." Mr. Washington said, "That is why we have a bicameral Legislature. We pour legislation from one Chamber to the other to cool it."

The proposed legislation certainly needs cooling. I am not disparaging the work of my friend the Senator from Maine, whom I hold in high esteem. It is with great trepidation that I take him on, because he is skillful, he has great knowledge, and he has worked zealously to accomplish a very desirable goal.

It appears that the States and State agencies are willing to take their chances in a mutual veto arrangement. Those agencies which opposed the measure, who either appeared or filed statements, include the Delaware Water Pollution Commission, the Texas Water Pollution Control Board, the Alabama Water Improvement Commission, the Tennessee Stream Pollution Control Board, the American Association of Professors of Sanitary Engineering—some of these are not State agencies—the Florida State Board of Health, the Kansas Department of Health, the State of New York Water Resources Commission, the Kentucky State Water Pollution Control Commission, the Kentucky Department of Health, the North Carolina State Stream Sanitation Committee, the Pennsylvania State Health Department, the Governor of Maryland, the Arkansas Water Pollution Control Commission, the California Water Pollution Control Association, the Maine Water Improvement Commission—the agency from the Senator's own State testified in opposition to the bill—the Oklahoma State Department of Health, and the Oregon State Board of Health.

I could continue and include agencies from Rhode Island, Utah, Virginia, and many other States.

I should like to read into the RECORD at this time a statement made by the Governor of Texas, Hon. John Connally, at the County Judges and Commissioners Association conference held at Corpus Christi on October 5, 1964, which I think typifies the attitude of responsible and forward-looking State governments:

One point I want to make clear: Texas is going to determine its own destiny in the development of its water resources. These goals will not be realized by chance nor by blind dependence upon the wisdom of the Federal agencies. We must accept our own responsibilities.

I reject the notion that State governments and State agencies are going to be irresponsible or incompetent.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TOWER. I yield myself 2 additional minutes.

I reject the notion that State governments and agencies are going to be less

competent and fail to recognize that water pollution problems exist; or that they are going to be more loath and reluctant to do something about it.

It is time to stop downgrading State officials and governments. We have in America today some of the best State officials we have ever had, even though most of the Governors are Democratic. I am willing to leave it to them to take care of this problem. This power should be left in the States, rather than in the hands of a single man or administration.

Mr. MUSKIE. The Senator from Texas referred to Maine. The Governor has his own water pollution committee. I do not yield to the Senator, despite the differences in our views, in my appreciation of the very great need of strong local and State government actions. I have served at all levels of State government. I have served in the legislative branch in two levels and the executive branch in two levels.

One of our efforts has been to create every opportunity for the exercise of initiative and for the discharge of responsibility, for the acceptance of the burden involved in the problem, by State and local governments. Over and over again, in the enforcement procedure, in the procedure for setting standards, our State and local governments and interstate agencies have been given an opportunity to come in and do the job.

Just as the Federal Government, in its vast bureaucracy, includes people who are not as wise or as responsible as they ought to be, or who do not always meet the requirements of the public interest as they should, so on the local and State levels is that true. Neither has a monopoly on virtue, ability, or regard for the public interest.

What we have tried to do in this bill—and I think we have succeeded, certainly to the satisfaction of the Republican Members, as well as the Democratic Members, on the subcommittee—is to achieve a cooperative partnership among the State, local, and Federal governments in dealing with a problem that is not only a State and local problem, but a national problem.

The substitute recommended by the Senator from Texas would be a step backward from this objective in that, even with respect to making recommendations, the proposed substitute would dilute the power that the Secretary has under existing law.

Mr. TOWER. Mr. President, I am prepared to yield back the remainder of my time.

Mr. MUSKIE. I yield back my time.
The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment of the Senator from Texas.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Texas [Mr. TOWER].

On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Washington [Mr. JACKSON]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

I announce that the Senator from Virginia [Mr. BYRD], the Senator from Alaska [Mr. GRUENING], the Senator from Arizona [Mr. HAYDEN], the Senator from Montana [Mr. METCALF], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

I also announce that the Senator from Washington [Mr. MAGNUSON] and the Senator from South Dakota [Mr. McGOVERN] are absent because of illness.

I further announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Washington [Mr. JACKSON], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. MOSS], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. GRUENING], the Senator from Washington [Mr. JACKSON], the Senator from Washington [Mr. MAGNUSON], the Senator from South Dakota [Mr. McGOVERN], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. MOSS], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], and the Senator from Texas [Mr. YARBOROUGH] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Kansas [Mr. CARLSON], the Senator from Idaho [Mr. JORDAN], and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

The Senator from Kansas [Mr. PEARSON] and the Senator from South Carolina [Mr. THURMOND] are absent on official business.

The Senator from Nebraska [Mr. HRUSKA] is detained on official business. If present and voting, the Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. CARLSON] would each vote "nay."

On this vote, the Senator from Nebraska [Mr. HRUSKA] is paired with the Senator from Idaho [Mr. JORDAN]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from Idaho would vote "nay."

On this vote, the Senator from South Carolina [Mr. THURMOND] is paired with the Senator from Kansas [Mr. PEARSON]. If present and voting, the Senator from South Carolina would vote "yea," and the Senator from Kansas would vote "nay."

The result was announced—yeas 15, nays 62, as follows:

[No. 5 Leg.]

YEAS—15

| | | |
|----------|--------------|-----------|
| Bennett | Fannin | Murphy |
| Cooper | Hickenlooper | Robertson |
| Curtis | McClellan | Simpson |
| Dirksen | Morton | Talmadge |
| Dominick | Mundt | Tower |

NAYS—62

| | | |
|--------------|----------------|----------------|
| Aiken | Harris | Muskie |
| Anderson | Hart | Nelson |
| Bartlett | Hartke | Neuberger |
| Bass | Hill | Pastore |
| Bayh | Holland | Pell |
| Bible | Inouye | Proxmire |
| Brewster | Javits | Randolph |
| Burdick | Jordan, N.C. | Russell |
| Byrd, W. Va. | Kennedy, Mass. | Saltonstall |
| Cannon | Kennedy, N.Y. | Scott |
| Case | Kuchel | Smith |
| Church | Lausche | Sparkman |
| Clark | Long, Mo. | Stennis |
| Cotton | Long, La. | Symington |
| Dodd | McCarthy | Tydings |
| Douglas | McGee | Williams, N.J. |
| Ellender | McNamara | Williams, Del. |
| Ervin | Miller | Young, N. Dak. |
| Fong | Mondale | Young, Ohio |
| Fulbright | Montoya | |
| Gore | Morse | |

NOT VOTING—23

| | | |
|-----------|---------------|------------|
| Allott | Jackson | Monroney |
| Boggs | Johnston | Moss |
| Byrd, Va. | Jordan, Idaho | Pearson |
| Carlson | Magnuson | Prouty |
| Eastland | Mansfield | Ribicoff |
| Gruening | McGovern | Smathers |
| Hayden | McIntyre | Thurmond |
| Hruska | Metcalf | Yarborough |

So Mr. TOWER's amendment was rejected.

Mr. MANSFIELD. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. MUSKIE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open for further amendment.

THE PROBLEMS OF PUBLIC EDUCATION

Mr. FULBRIGHT. Mr. President, last week the Washington Post carried a series of excellent articles on the problems of public education in this country. I believe they establish quite conclusively the enormous pressures on our educational systems, both present and potential, and thereby emphasize the need for action by this Congress in the field of education.

I ask unanimous consent that the articles written by Gerald Grant and Maurine Hoffman be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

OUR NO. 1 BUSINESS: EDUCATION QUALITY VARIES IN U.S. SCHOOL DISTRICTS

(First in a series)

(By Gerald Grant and Maurine Hoffman)

America provides equal educational opportunity, someone once said, for every fourth or fifth child. These are the children in Westchester County, N.Y., Arlington, Va., Berkeley, Calif., and other affluent school districts.

They attend modern schools with the tools and topflight teachers to provide the kind of education that assures success in our accelerating society.

In varying degrees, the other three or four out of that five do not receive such an education.

South Carolina spends an average \$240 a year on each school child. The quality of its education is reflected by two salient facts: Only 48 percent of those who take the relatively simple selective service mental test in South Carolina pass it. And only half the State's eighth graders complete high school.

California puts \$515 into the education of every child and 85 percent pass the selective service exam. Nearly 9 out of every 10 eighth graders will finish high school in California.

These statistics are one indication of the range in quality of education in the United States but they are State averages that tend to obscure the have-not districts in every State.

In adjacent Bristol City and Buchanan County school districts in Virginia, for instance, these disparities exist: The city spends a third more per pupil and its dropout rate is only one-third of the county's. Nearly 98 percent of the city's teachers are college graduates but less than half the county's have a degree.

Have-not schools and school districts add up to severe national shortcomings. Here are some of them:

Susan Ludy attends a one-room school in central Missouri that provides the first and most important 8 years of schooling for 20 children. Their teacher is paid \$3,375 a year and has less than 2 years of college. But how many qualified teachers would be willing to work in a school with no running water, only a few textbooks, and no science equipment?

One out of every five teachers in the United States fails to meet full certification standards and nearly a fifth of all elementary teachers do not have a college degree.

Harold Baxter was one of 77 students in the top sixth of a class of 440 students who graduated in June 1963, from a high school in a blighted area of Detroit. Thirty-seven of those 77 received scholarships. Harold was among the 40 who did not go on to college for lack of funds, counseling, or motivation.

Nationally, 200,000 out of the 600,000 students who graduate in the top third of their class fail to go on to college, principally for lack of funds.

Monroe Bryant is one of 12,000 Boston schoolchildren who attend dismal, poorly heated, and in some instances firetrap schools—all built more than 70 years ago.

Such schools may be found in urban slums across the land. In Philadelphia recently, 117 children were given hospital treatment after coal gas seeped from a faulty furnace in the Hartranft School, built in 1890. In Washington, the replacement of the still overcrowded Shaw Junior High School—with its leaky roofs and converted basement classrooms—was called for nearly 20 years ago.

The U.S. Office of Education reports that 124,300 new classrooms were needed last year—64,900 to replace substandard facilities and 59,400 to relieve overcrowding.

Raoul Barnes, a 12-year-old, leaves his suburban home near St. Louis before daylight each morning in order to reach Hazelwood Junior High School by 6:30 a.m. Raoul attends school on the early shift. Those who come for the afternoon session attend classes until 7:10 p.m.

Throughout the United States, 409,000 pupils attended school for less than a normal schoolday last year. Many were in suburban areas like Hazelwood where schools have not been able to keep up with surging population growth.

If a child is born crippled, blind, deaf, or retarded, schooling may not only be unequal but altogether lacking. Seventeen States have no special facilities for the education

of deaf children. Three times as many mentally retarded children need special classes as are in them. In most cities there are two children on waiting lists for special classes for every child in such classes.

U.S. Office of Education statistics reveal a shortage of 150,000 teachers of the retarded and handicapped.

President Johnson has put the righting of some of these most critical education wrongs at the top of his agenda. "Nothing matters more to the future of the country," he declared in his message to Congress Tuesday, "than better education for all up to their ability to receive it."

Education, the President stressed, must be the Nation's No. 1 business.

The President's school aid program, with \$1.5 billion earmarked for the first year, would concentrate two-thirds of the funds on the 5 million children whose families earn less than \$2,000.

In addition to the \$1 billion allocated to poverty impacted schools, the President's program proposes \$150 million for preschool training, \$100 million for supplementary centers that would provide services ranging from reading clinics to art classes, and \$100 million for textbooks and improved libraries. Nonpublic school students would be included in many programs.

Mr. Johnson has also proposed \$260 million for higher education for Federal scholarships and guaranteed reduced interests loans, college library aid, and help for small colleges with a growth potential.

The President's program is a major step toward closing the gap of educational inequality. But it will leave many areas—such as teacher salaries and construction needs—largely untouched. First-rate schooling for all children will require vastly increased sums for education at all levels in the years ahead.

This series of articles will discuss some of these needs, the question of what share of the Nation's school burden the Federal Government should bear, and the history of past attempts to provide Federal aid to education.

OUR NO. 1 BUSINESS, III: PUPILS WHO NEED ATTENTION MOST START SCHOOL WITH AN UNBEATABLE HANDICAP

(By Maurine Hoffman and Gerald Grant)

"We look into the schools of Harlem and we find that our young people can't read and they can't write."

"The children are not taught anything. They are just slapped around and nobody bothers to do anything about it."

"They need to get rid of all these slummy buildings. The children can't live in these buildings. They need better schools. They need a whole lot."

These tape-recorded comments of a schoolteacher and two angry young mothers were gathered by Harlem Youth Opportunities, Inc. (Haryou) for a now-famous study "Youth in the Ghetto." But they apply with equal force to ghettos in every big city in the United States.

Salvaging the lives of the children in these ghettos is one of the prime goals President Johnson had in mind when he said that education must become the Nation's No. 1 business.

A youngster born into such a slum has only half the chance of surviving infancy that the average child has. He is twice as likely to become a juvenile delinquent and six times as likely to contract venereal disease.

He starts school with a huge cultural gap and falls progressively further behind. Studies of Harlem children show they are an average 1 year behind in academic achievement in the first grade, 2 years behind by the sixth grade, and 2½ years behind by the eighth.

He has only half the chance of finishing high school. More than 60 percent of students entering 10th grade in the inner city high schools of the Nation's 15 largest cities will drop out—compared to a national drop-out rate of 30 percent.

Failure is expected and defeat permeates the classroom.

Schools are like factories: grimy, decaying, overcrowded, and understaffed.

At Shaw Junior High School in downtown Washington, students are packed into converted locker rooms and basement store-rooms.

Commenting on the high truancy rate, a teacher whose class is in a dimly lit, made-over basement shop, asked: "Would you want to come to school here?"

"These kids should have cheery, bright rooms," he said. "Many of them live in this kind of a dungeon. They shouldn't have to come to school to it."

Shaw's roof leaks and the showers in the gymnasium don't work.

ELEVEN PERCENT SLOW LEARNERS

In Washington as a whole, 11 percent of the schoolchildren are in basic track classes for the slow and academically retarded. But in 18 inner city schools, 28 percent are in the slow track. At Shaw, more than a third are.

"Will you tell me why this rich country of ours should have 3 percent of our children mentally retarded while Sweden has 1 percent?" President Kennedy asked in a California speech in June 1963.

"The reason of course is that they grow up in slums, that the mothers do not have prenatal care, they do not have special teachers," the late President said.

They not only do not have special teachers, they are most likely to get the least experienced and unqualified teachers, and the shabbiest equipment.

ONCE THEY WERE BEST

But this was not always the case. Some of the schools that now have the highest dropout rates and the lowest academic achievement records were among the best schools of the Nation 30 years ago.

Big city school systems paid the highest salaries, drew the best teachers, and had the most lavish equipment.

But vast shifts in population have occurred in recent decades. Unskilled rural families, primarily Negro, have moved into the decaying centers of the big cities. Middle income whites have moved to the suburbs.

Schools in the cities are getting a smaller share of the tax dollar as costs of other municipal services have risen. In most big cities only 30 cents of the tax dollar is spent for education. In the suburbs, the schools get 70 percent of the tax dollar.

The Institute of Administrative Research at Columbia University's Teachers College recently reported that New York City schools would need \$200 million more this year to maintain the level of financial support the city schools achieved in 1944-45.

The decline in support is most evident when the schools are measured against those in suburban areas.

A team of Harvard University consultants who studied Washington's inner city schools concluded that \$10,000 would have to be spent on each inner city family to provide the same kind of educational opportunity that is available in affluent suburbs.

GAP IS ENORMOUS

The Harvard experts readily admitted that such a sum was unrealistic but stressed that it is an indication of how "enormous * * * the gap is between our least favored public school systems and our most favored systems."

In some suburban school districts on Long Island, they pointed out, children come from homes where the average income is \$15,000

a year and average per pupil expenditures range between \$1,500 and \$1,800.

In the inner city of Washington, where many earn less than \$3,000, less than \$500 is spent on each child.

The \$1 billion that President Johnson has proposed for the first year of his program to aid the 5 million children whose families earn less than \$2,000 is an important step toward closing the gap.

SLUMS NEED MORE

But many educators believe that huge sums beyond this must be pumped into slum schools: for public nursery school programs, smaller classes, better teachers, psychological, guidance, and social services, after-school study centers, cultural and remedial programs, modern equipment and new buildings.

As one Harlem mother said: "It is not a small thing they have to do and they are taking too much time in doing it."

OUR No. 1 BUSINESS; IV: MANY TALENTED YOUNG PEOPLE LACK MEANS TO PAY SOARING COLLEGE COSTS

(By Maurine Hoffman and Gerald Grant)

Increasing throngs of students are swarming over college campuses, but some of the Nation's most talented young people have been forgotten.

These are the youths who should be in college but aren't * * * the youths unable to finance the higher education necessary for them to make contributions to society equal to their potential.

President Johnson has said that more than 100,000 of our brightest high school graduates annually will not go to college—"if we do nothing."

The President is seeking a three-pronged plan aimed at helping more needy high school students gain access to higher education.

Of the total \$260 million he is asking for higher education, about half would go for student aid. This would take the form of scholarships, expansion of work study programs, and Government-backed low-interest loans.

Project Talent, a study by the Office of Education and the University of Pittsburgh, found that 45 percent of American high school youths scoring in the top 20 percent in scholastic aptitude fail to enter college.

About half were from families with annual income under \$6,000, while only about one-fifth came from families with incomes of \$9,000 or more.

Take Linda, for example, a Negro girl with a B average at a downtown Washington high school. Linda's mother, a widow, works as a cook to support her five children. How could she possibly afford to send Linda to college? So Linda, who wanted to become a doctor, settled for a job as a practical nurse.

Or consider Juan, a Spanish-American boy in a Texas high school. His teachers said he has great talent in writing. But his family barely makes ends meet running a struggling little restaurant. After high school Juan had to go to work washing dishes instead of developing his talent.

The Lindas and Juans in this country are not the ones who receive most of the private scholarship funds. A recent study found that for every college scholarship awarded to a pupil from a family with an income under \$3000, four were given to students from families with incomes above \$11,000.

In particular, the opportunities to attend college have been limited for Negroes and other minority-group members. Almost 12 percent of white adults (ages 25 to 29) have completed college, as against only 5.4 percent of the comparable nonwhite group.

COLLEGE COSTS UP

Today, increasing college costs are putting a burden even on well-to-do families. Col-

lege costs this year are estimated at \$1,560 for public institutions and \$2,370 for private institutions.

But by 1980, when college enrollment is expected to double its current record figure of 5,320,294 students, college costs will have zoomed still higher. The annual costs of public colleges are expected to rise to \$2,400 and those of private colleges of \$3,640.

The Federal Government is already providing some assistance in meeting college costs. Under the National Defense Education Act, \$163.3 million in certain types of loans and fellowships will be available to students this year. Students who teach for 5 years after graduation have to pay back only half of their loans.

The antipoverty program passed last year included funds to help 150,000 needy college students by paying them for part-time work on campuses or in their communities.

The new Johnson proposal would broaden this program, placing it under the Department of Health, Education, and Welfare. It would supplement National Defense Education Act loans by making loans available on a wider basis.

COLLEGE TEACHER SHORTAGE

Increased financial aid probably would encourage more students to enter graduate school and indirectly help fill higher education's critical teacher shortage.

The total of new college teachers needed now is almost 32,000. Yet the annual output of Ph. D.'s, backbone of the college teaching staff, is less than 14,000. Fewer than half of these enter teaching.

Colleges and universities received help with construction needs in 1963 when Congress voted the Higher Education Facilities Act, giving grants and loans for academic buildings, laboratories, and technical schools. This legislation is due for renewal in 1966 when higher education is expected to seek expanded construction aid.

But as colleges expand, tremendous strains are being put on their research and library facilities.

The "overwhelming majority of academic libraries are understaffed, poorly housed, and ill-equipped," the Office of Education reports.

Only half of 4-year colleges meet minimum standards for library collections (50,000 volumes for 600 students, and 10,000 volumes for every additional 200 students) set by the American Library Association. Less than 20 percent of 2-year schools meet minimum ALA standards.

In spite of heavy spending increases on college libraries (up 67 percent from 1959-60 to 1963-64), the national ratio of 51.9 volumes per student has actually declined to an estimated 48 volumes because of enrollment upsurges.

President Johnson is seeking legislation to purchase books and library materials and to train more librarians.

Other categories of his higher education program are aid to smaller colleges which are battling for survival because they lack accreditation, and grants for university extension programs to fight city social problems.

"Higher education is no longer a luxury but a necessity," the President commented. While Federal aid has helped colleges and universities greatly in the past, "we need to do more," Mr. Johnson said.

OUR No. 1 BUSINESS, II: INFERIOR SCHOOLS BLIGHT EDUCATION IN URBAN SLUMS AND RURAL SQUALOR

(Second of a series)

(By Maurine Hoffman and Gerald Grant)

The Negro youth in Harlem and the white boy in the shack in Appalachia have much in common.

Both are poor and both are likely to be receiving the kind of education that tends to keep them that way.

drew their strength from the roots embedded in 6 inches of fertile topsoil. When the land was eroded and the roots were washed bare, the civilizations died. The United States is fully as dependent on its topsoil as were the ancient nations that rose and fell but by the time we depleted the natural resource to a point that was endangering our future we also had accumulated enough technical knowledge and political sophistication to tackle our problem intelligently. The "black dusters" and deep gullies of the 1930 decade were interpreted correctly as omens that the famine was coming. The Nation responded by offering an erosion control program on a farm-to-farm basis, then filled in the blank spots so that virtually all of the farming regions are under conservation practices.

Now there is some danger that, in the interest of economy, the Federal Government will trim its technical staff, reduce the cost-sharing provision, and cut back on its total conservation program. Under the present system, which has proved successful in the past 30 years in halting the waste of natural resources and restoring the fertility to our soil, the SCS provides technical assistance while the actual administration is under the control of local soil and water conservation districts. The districts, which are organized under charters of the various States, are composed of the landowners where the conservation work is planned and accomplished. The ASCS, which is a different Government agency, provides assistance to the landowners in carrying out the recommended and planned practices.

Under this local-State-Federal table of organization, the soil and water resources of the country have been maintained at a more-than-adequate level. The abundance of food and fiber has provided the argument that the country would be taking no chance with its future if it reduced spending in this area in order to save money for new—and perhaps more appealing—programs.

Budget Director Kermit Gordon, writing in a recent issue of Saturday Review, explained the situation this way:

"We need more education and better education, from the primary grades through graduate and professional schools. We should expand our job training and retraining programs for the unskilled and for those whose skills are obsolete. We must intensify the war on poverty. We need improved outdoor recreation facilities, efficient urban mass transportation, and better mental health facilities. We need to bring the benefits of medical research discoveries to more people more quickly. We should step up our attack on air and water pollution."

All these are laudable objectives and several of them are new, so far as their inclusion in Federal responsibility are concerned. Each, in its turn, can be justified on social or economic grounds and (admittedly) each has a political appeal to a specific and important group.

In the light of the growing population of the United States, the shrinking area of land suitable for farming, and the increasing market for food and fiber throughout the world, no single new facet of the Great Society can be ranked above the conservation of natural resources on the scale of pressing future needs.

Officials have not released target figures but reports from Washington hint that the budget planners hope to "save" \$20 million by reducing the technical staff of the SCS by one-third and trimming various other parts of the program. The money saved by this maneuver could pay for a considerable amount of "improved outdoor recreation facilities" but, in the long run, the country might find itself with some of the finest picnic tables in the world—and a shortage of food in the lunch basket.

A similar case could be made against the proposal to cut back on the amount and quality of certain types of agricultural research and the sometimes-heard suggestion that extension education should be curtailed.

Perhaps the most pressing problem of all is the need for a national understanding of the long-term value of conservation, research, and extension education—not just to agriculture but to the whole economy. Urban people may support a Federal-State water pollution control program enthusiastically because they understand that it can open the way to industrial development and assure ample water in the city reservoir. It may be a little harder to see that we also need to assure ourselves a continuing supply of food by saving the natural resources from which the raw materials are manufactured.

WATER QUALITY ACT OF 1965

The Senate resumed the consideration of the bill S. 4 to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes.

Mr. COOPER. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. Beginning with line 12 page 7, it is proposed to strike out all to and including line 2, page 9, and insert in lieu thereof the following:

(c) (1) In order to carry out the purpose of this act, the Secretary may, after reasonable notice and public hearings and after consultation with the Secretary of the Interior and with other Federal agencies, with State and interstate water pollution control agencies, and with municipalities and industries involved, to obtain the views of such officer and such agencies, municipalities, and industries, prepare proposed regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof.

(2) Standards of quality prescribed by regulations adopted under paragraph (1) shall be such as to protect the public health and welfare and carry into effect the purposes of this Act. In establishing such standards with respect to any waters, there shall be taken into consideration (A) the use and value of such waters for public water supplies, agricultural, industrial, and commercial use, the propagation of fish and wildlife resources, recreational purposes, and other uses of significance in the public interest, and (B) the practicability and economic feasibility of attaining such standards.

(3) Such proposed regulations shall be published in the Federal Register, and copies thereof shall be transmitted to all Federal, State, and interstate water pollution control agencies, municipalities, and industrial organizations affected. Upon request made within ninety days after publication of such proposed regulations by one or more of the States, interstate agencies, municipalities, and industrial organizations (referred to hereinafter as "interested parties") affected, the Secretary shall conduct public hearings upon such proposed regulations at a place convenient to the interested parties. In any such hearing, interested parties shall be

accorded adequate opportunity to obtain and present necessary evidence in support of their contentions, and shall be entitled to propose revisions and modifications of the proposed regulations. Upon the basis of all evidence received in any such hearing, the Secretary shall prepare and transmit to each party to the hearing his report thereon, which shall contain a full and complete statement of his findings of fact and his conclusions with respect to issues presented at the hearing. The Secretary may, thereupon, affirm, rescind or modify in whole or in part such proposed regulation.

(4) Except as otherwise specifically provided by this Act, hearings and determinations under this Act shall be made, and subject to administrative and judicial review, in accordance with the provisions of the Administrative Procedure Act.

(5) Regulations under this subsection shall become effective only if, within a reasonable time after being requested by the Secretary to do so, the appropriate States and interstate agencies have not developed standards found by the Secretary to be consistent with paragraph (2) of this subsection and applicable to such interstate waters or portions thereof.

On page 9, line 3, strike out "(5)", and insert in lieu thereof "(6)".

On page 9, line 13, strike out "(6)", and insert in lieu thereof "(7)".

Mr. COOPER. Mr. President, I ask for the yeas and nays on the amendment. The yeas and nays were ordered.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

EXTENSION OF TIME FOR FILING OF REPORT BY PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Committee on Government Operations receive an extension of time until March 1, 1965, to file a report by the Senate Permanent Subcommittee on Investigations. The report to which I refer deals with Organized Crime and the Illicit Traffic in Narcotics.

Last week a draft of this report was sent to the subcommittee members and they have not had adequate time to review and study it.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCLELLAN. Mr. President, I submit a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read for the information of the Senate.

The resolution (S. Res. 68) was read, as follows:

Resolved, That the investigative authorizations provided by S. Res. 278 of the Eighty-eighth Congress are hereby continued through February 28, 1965, inclusive.

Mr. McCLELLAN. The resolution is necessitated by the fact that the resolution the Senate adopted last year will expire on Sunday, and we shall have no authority to act after that. It is not anticipated that we will get to the resolution to continue this authority until sometime later next week.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

WATER QUALITY ACT OF 1965

The Senate resumed the consideration of the bill S. 4, to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT TO LIMIT TIME

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. COOPER. I yield to the Senator from Montana.

Mr. MANSFIELD. I understand that the Senator from North Carolina [Mr. JORDAN] wishes to speak for about 3 minutes. I ask unanimous consent that at the conclusion of the statement to be made by the Senator from North Carolina [Mr. JORDAN], an hour be allocated to consideration of the amendment offered by the Senator from Kentucky [Mr. COOPER], 30 minutes to be under his control and 30 minutes to be under the control of the Senator in charge of the bill [Mr. MUSKIE].

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ACREAGE-POUNDAGE CONTROLS FOR THE PRODUCTION OF TOBACCO

Mr. JORDAN of North Carolina. Mr. President, I appreciate the courtesy of the distinguished Senator from Kentucky [Mr. COOPER] in allowing me time to introduce a bill. It is a bill in which he is also interested because it relates to tobacco.

On behalf of myself and Senator ERVIN, I am introducing, for appropriate reference, a bill which is of vital interest to the future of our tobacco farm program.

The bill would set up the machinery under which farmers—if they so choose—could establish a combination system of acreage-poundage controls for the production of tobacco.

I would like to emphasize that the bill specifically requires that the farmers themselves—in a referendum—must approve the acreage-poundage system before it can be put into effect.

As everyone knows, the tobacco program has operated for many years as the most successful of all of our farm commodity programs, but in recent years we have come upon very grave problems. I sincerely feel that some basic adjustments need to be made in the program if it is to survive.

Those of us who represent the tobacco-producing areas of the Nation have always taken great pride in the fact that

the tobacco program has always operated at a minimum cost to the Government and at the same time has provided good income for the farmers who produce tobacco.

In recent years, we have found that acreage controls alone are not in fact effectively controlling the production of tobacco. No one is more aware of this than the growers themselves. Each year the yield per acre continues to increase in spite of repeated reductions in the number of acres planted. Despite a 10-percent reduction in the 1964 crop, yield per acre increased from 1,975 pounds in 1963 to 2,203 pounds in 1964—an increase of 11½ percent per acre—and resulted in a greater production than in 1963.

The bill which I am introducing relates specifically to flue cured tobacco, but it is written in such a way that other types of tobacco can be included in the program when the need arises.

I think the provisions of this bill have very special significance for flue cured tobacco growers who will be forced to take a 19.5 percent acreage reduction for the 1965 crop year unless a system of acreage-poundage controls is put into effect. If this bill is enacted into law and if the flue cured growers approve acreage-poundage controls, then about 14.5 percent of the 19.5 percent acreage reduction will be restored for the 1965 crop.

This would be done by putting a ceiling on the total number of pounds each farmer is permitted to sell under an acreage-poundage system.

Without going into any great detail about the formulas involved, the bill provides that each farmer would receive an acreage allotment and a poundage allotment based on the average production of his 3 highest producing years between 1959 and 1963. There are allowances made in the bill for those farmers who fall below the county average yield and provisions for those who go above the county average yield. There are also provisions in the bill for those farmers who have crop failures or for other reasons fall below their poundage quota in any one year. These provisions would permit farmers who fall below their poundage quota to add the deficit to the next year's quota.

All in all, this bill provides ways and means to set up a system which will give each farmer a fair share of the total tobacco market in terms of pounds as well as acres.

If this system is approved by the farmers, it will permit all tobacco growers to concentrate on producing high quality tobacco rather than continuing the present headlong rush to increase per acre yield each year at the cost of quality. The program will go a long way toward stabilizing the entire tobacco industry at a time when its very existence is at stake.

I fully realize that there are many and varied opinions as to how to best solve the problems facing tobacco. I am introducing this bill as a starting point and as a working draft in the hope that all of those interested in the future of tobacco can agree on a program that will once again bring stability to the tobacco producing industry.

In the past few years, the surplus stocks of tobacco have soared to volumes which are completely out of reason and which cannot be justified. This proposal offers the growers themselves an opportunity to make a choice as to the course they choose to follow in the future.

If this program is approved by the growers and put into effect this year, it will mean a savings to the U.S. Treasury of upwards of \$200 million on the 1965 crop.

This proposed program has been developed over a period of many months of hard work on the part of many leaders in the tobacco industry and it represents the thinking of leaders in every segment of the industry. I have no way of knowing what decision the growers themselves will make concerning an acreage-poundage program, but I do know that they are deeply concerned over the future of their program as it exists today. I also know they feel that some adjustments must be made if the program is to survive. I do not think—with the supply and demand situation as critical as it is—that it would be fair to deny the farmers themselves an opportunity to vote on the question of adopting an acreage-poundage system of controls.

The primary purpose of my introducing the bill is to give the growers themselves an opportunity to choose between the existing program and an acreage-poundage program, and I will respect their choice. I would like to point out that the bill as introduced calls for an approval of at least two-thirds of the growers voting in a referendum before acreage-poundage controls can be put into effect. There has been considerable discussion as to whether this figure should be two-thirds or a simple majority, and I am confident this is something that can be worked out as the Committee on Agriculture and Forestry considers the matter.

I am hoping that we can have early hearings on this bill because time is of the essence, and I sincerely feel that the farmers themselves should have an opportunity to make a choice before they begin planting their 1965 crop.

I appreciate very much the opportunity which the Senator from Kentucky has given to me to introduce the bill. As the Senator well knows, time is short if we are to accomplish anything in 1965.

Mr. COOPER. I shall be glad to study the measure, because it concerns tobacco.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 821) to amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, introduced by Mr. JORDAN of North Carolina (for himself and Mr. ERVIN), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

WATER QUALITY ACT OF 1965

The Senate resumed the consideration of the bill S. 4, to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution

Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes.

Mr. COOPER. Mr. President, the amendment which I have offered is much more limited in its scope than the amendment which was offered by the Senator from Texas [Mr. TOWER] and which was voted on.

The PRESIDING OFFICER. How much time does the Senator from Kentucky yield to himself?

Mr. COOPER. I yield myself 15 minutes. At the outset I wish to make clear to Senators who are present the essential purpose of my amendment. In the event that the pending bill, S. 4, should become law, my amendment would assure that if the Secretary of Health, Education, and Welfare promulgates water quality standards, then all States, States joining in compacts, municipalities, and water control agencies who would be affected, would be assured the right of full administrative and judicial review.

The distinguished Senator from Maine [Mr. MUSKIE], the distinguished ranking minority member from Delaware [Mr. BOGGS] and the members of his Subcommittee on Water Pollution Control have worked hard to bring the Senate a bill providing for more effective water pollution control policies. I congratulate them. I am interested in their objectives. In 1947 and 1948, when I served on the Committee on Public Works, we approved, and Congress later approved, the first Water Pollution Control Act, an act introduced by Senator Taft and Senator Barkley. I was happy to support it. In the years following that, I have supported other amendments to make the act more effective in the interest of water pollution.

Last year, I stated in the debate on the floor, my reasons for opposing the bill reported by the Committee on Public Works, and earlier in this debate I have outlined my reasons for opposing S. 4.

But now I come to the purpose of my amendment. Section 10 of S. 4, which is before the Senate, provides, among other things—and this is essentially the thrust of the bill—that the Secretary of Health, Education, and Welfare shall be authorized to promulgate water quality standards for every interstate body, or navigable water adjacent to one or more States. So at the beginning, let me say that in its geographical scope, it is not a small bill that we are considering; it is a bill which affects every State and countless miles of waters, waters upon which are located great and small cities and many industries, waters whose purity, and whose use for agriculture, industry, water supply, recreation, and the propagation of fish and wildlife, concern us as we look to the future.

The bill is broad not only in its geographical scope; it is broad in the effect that it could have upon every State, every municipality, and thousands of industries, and farms throughout the Nation. I do not believe I would have to argue to

the members of the Committee on Public Works, especially the Senator from Maine [Mr. MUSKIE], that I do not speak in that committee or on the floor of the Senate for any special interest, and I do not do so now. The point I wish to make is that the bill gives to the Secretary of Health, Education, and Welfare tremendous authority and power, a power which I will say again is not matched, in my opinion, by the power of any other official of the Federal Government. I doubt whether the President of the United States has such power, except with respect to foreign affairs. It is a power that would enable the Secretary to promulgate water quality standards. It is an authority that is given him to take measures to abate any nuisance, which is defined in the bill as any discharge into the water which would reduce the water quality standards he has established.

The bill gives him the power to zone interstate waters, and navigable waters adjacent to States, reaching our lakes and the ocean itself. I do not say it will be used; nevertheless, it is a power which would enable the Secretary to determine what portion of a stream should be set aside for industry, what portion should be used for agricultural purposes, what portion for recreation, and what portion for the development of fish and wildlife, and for such other uses as he may determine.

This is a new legislative concept. If there were proper precautions drawn about the proposal, which would give States, municipalities, and others concerned an adequate role in the development of the standards which affect them and, finally, the right of judicial review, I would not oppose this concept. It does look ahead to a better, purer water supply for the Nation, a more beautiful country, and the general public interest as the Senator from Maine has said.

The Senator from Maine will argue, as he has—and very effectively, at least to the Senate—that all of these rights are preserved in the bill. I disagree with him. I have not been able to convince him. I was not able to convince the Committee on Public Works or the Senate last year. Nevertheless, I hold to my views, derived from my study of the bill.

Before the Secretary can promulgate standards, he must consult with the States, municipalities, and others concerned, and must hold public hearings. But that does not affect his sole and ultimate authority to promulgate and make effective water quality standards.

It is true also that after he promulgates the regulations, public hearings can be held upon the request of a Governor. The Secretary would have the authority to revise or modify original standards that had been promulgated. That is a fair procedure, but it does not affect his essential authority to promulgate the standards.

The Senator from Maine will argue against my insistence that there be written into the bill provisions guaranteeing to the parties affected the right to resort to the courts. He will say, in my judgment, as he said in committee, that this

right is assured under its enforcement procedures. I make the point that the enforcement sections apply to the abatement of a nuisance and provide procedures to be followed after a nuisance occurs.

My amendment insists that after the standards are promulgated and before the nuisance occurs that States, municipalities, and individuals actually affected by the standards, and showing cause to courts, would have the right to be heard.

I shall discuss the specifics of my amendment, then I shall be finished.

The first section, section (c)(1) is essentially the same as provided by S. 4.

Subsection (2), of my amendment, prescribing the criteria under which the Secretary would act in proposing and promulgating water quality standards, is essentially the same as contained in S. 4 with one distinction.

I propose criteria in addition to the criteria of S. 4. I refer to the practicability and economic feasibility of attaining such standards. This is practical and necessary and fair.

The criteria of S. 4 includes the value of such waters for public water supplies, industrial use, propagation of fish, wildlife resources, and recreational resources.

I have added another factor: "the practical and economic feasibility of attaining such standards" which is a necessary factor, in all commonsense.

Subsection 3 of my amendment is very much like the language in S. 4, which authorizes a public hearing after the regulations are proposed by the Secretary. My amendment is somewhat more specific.

My amendment would require that regulations be published in the Federal Register, copies be transmitted to the States and other agencies which would be affected, and then all parties affected would be given 90 days in which to prepare for public hearing, and then the right to present their views if they believe revision is indicated.

This is an important distinction between my amendment and S. 4. Hearings under S. 4 are limited to the request of Governors. My amendment opens hearings to all parties affected. This is elemental justice.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. COOPER. I shall yield in a few moments. S. 4 would permit only the Governor of a State to ask for a public hearing, to ask for modifications and revision. My amendment would not limit this power to the State, but would extend it also to municipalities that might be affected, great cities such as Cincinnati and Cleveland.

I think of those cities because I see the Senator from Ohio [Mr. LAUSCHE] in the Chamber. I am not trying to persuade him to vote for this amendment on that account. But, municipalities all over the country would be concerned.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. COOPER. I shall yield later. I would like to finish first. I have never

had the chance to present my position in whole to the Senate.

I learned a great deal from the Senator from Maine. My amendment contains the same provision as S. 4, which is that the Secretary could not put into effect his standards until the States have had an opportunity to promulgate their own water quality standards. Again, I know that the Senator will argue, "We are giving the States a chance."

I say that it is a fictitious chance because the standards that they would be required to establish must be identical with the standards that the Secretary would promulgate or consistent with them.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for an additional 5 minutes.

Mr. COOPER. Mr. President, no matter what is said, in essence, the ultimate and complete power is given to one man to fix water quality standards for every interstate stream in the country, including zoning, if he so determined. I shall read the last provision of my amendment and I do not see how anyone could be opposed to it. It reads:

Except as otherwise specifically provided by this Act, hearings and determinations under this Act shall be made, and subject to administrative and judicial review, in accordance with the provisions of the Administrative Procedure Act.

The Administrative Procedure Act provides for adequate administrative review. It provides also that after a final rule is made, an affected party may obtain a review in the circuit court of appeals. The review would not go into the question de novo, but would go to the abuse of discretion by the official or agency entering the order.

Mr. President, I ask unanimous consent that section 1009, title 5, of the Administrative Procedure Act, subsection 19, United States Code, 1958 edition, be printed at this point in the RECORD.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

§ 1009. Judicial review of agency action.

Except so far as (1) statutes preclude judicial review or (2) agency action by law committed to agency discretion—

(a) Right of review: Any person suffering legal wrong because of any agency action, or adversely affected or aggrieved by such action within the meaning of any relevant statute, shall be entitled to judicial review thereof.

(b) Form and venue of proceedings: The form of proceeding for judicial review shall be any special statutory review proceeding relevant to the subject matter in any court specified by statute or, in the absence or inadequacy thereof, any applicable form of legal action (including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus) in any court of competent jurisdiction. Agency action shall be subject to judicial review in civil or criminal proceedings for judicial enforcement except to the extent that prior, adequate, and exclusive opportunity for such review is provided by law.

(c) Acts reviewable: Every agency action made reviewable by statute and every final agency action for which there is no other adequate remedy in any court shall be subject to judicial review. Any preliminary, procedural, or intermediate agency action or ruling not directly reviewable shall be subject to review upon the review of the final agency action. Except as otherwise expressly required by statute, agency action otherwise final shall be final for the purposes of this subsection whether or not there has been presented or determined any application for a declaratory order, for any form of reconsideration, or (unless the agency otherwise requires by rule and provides that the action meanwhile shall be inoperative) for an appeal to superior agency authority.

(d) Relief pending review: Pending judicial review any agency is authorized where it finds that justice so requires, to postpone the effective date of any action taken by it. Upon such conditions as may be required and to the extent necessary to prevent irreparable injury, every reviewing court (including every court to which a case may be taken on appeal from or upon application for certiorari or other writ to a reviewing court) is authorized to issue all necessary and appropriate process to postpone the effective date of any agency action or to preserve status or rights pending conclusion of the review proceedings.

(e) Scope of review: So far as necessary to decision and where presented the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of any agency action. It shall (A) compel agency action unlawfully withheld or unreasonably delayed; and (B) hold unlawful and set aside agency action, findings, and conclusions found to be (1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (2) contrary to constitutional right, power, privilege, or immunity; (3) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; (4) without observance of procedure required by law; (5) unsupported by substantial evidence in any case subject to the requirements of sections 1006 and 1007 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or (6) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court. In making the foregoing determinations the court shall review the whole record or such portions thereof as may be cited by any party, and due account shall be taken of the rule of prejudicial error. (June 11, 1946, ch. 324, § 10, 60 Stat. 243.)

EFFECTIVE DAYS

Section as effective three months after June 11, 1946, see section 1011 of this title.

CROSS REFERENCES

Section applicable to functions exercised under International Wheat Agreement Act of 1949, see section 1642 (1) of title 7, Agriculture.

Section applicable to judicial review of any agency action under the Atomic Energy Act of 1964, see section 2231 of title 42, the Public Health and Welfare.

Mr. COOPER. Mr. President, I shall not misquote the Senator from Maine. The Senator made the statement in committee that my amendment would open the doors to everyone, whether or not they had an interest. Section 1009, subsection (a) of the Administrative Procedure Act defines those persons affected and the reasons for giving parties the right to go to the courts. So, I would say that there is no strength to that argument.

Last year, the committee held hearings for 6 days. No Governor testified before the committee. Few State water control commissioners were represented before the committee. It went to the Committee on Public Works of the House after the bill passed the Senate. The committee considered the bill. It heard the testimony of about 25 Governors and State water pollution control boards. All raised the questions that I have raised here today. The committee refused to accept S. 4, with respect to the authority to be given the Secretary.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. Mr. President, I close by saying that if the protections I seek can be included in the present bill respecting the formulation of standards and the assurance of judicial review, I would support the concept of water quality standards. But, I could not vote for the bill, in the form it has been presented to the Senate, without these proper safeguards.

Mr. LAUSCHE. Mr. President, how much time remains?

The PRESIDING OFFICER. There is an additional 10 minutes remaining.

Mr. LAUSCHE. Mr. President, in reading the amendment, I note that prior to the promulgation of the rule, hearings are to be conducted. The Secretary then has the right to promulgate a rule. May I ask whether the amendment would afford the affected parties a right to be heard after the rule is recommended, and before adoption?

Mr. COOPER. Yes. I must say that we are in accord on that.

Mr. MUSKIE. S. 4 does that also.

Mr. COOPER. Mr. President, after the regulation has been published—and my amendment would require publication and notice—then a public hearing could be requested.

The distinction between the amendment offered by the Senator from Maine and my amendment is that the amendment of the Senator from Maine would allow only the Governor of a State to request a public hearing, unless the Secretary wanted to do it on his own motion.

My amendment would permit any affected public party to ask for a public hearing. This is in accord with principles of justice.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MUSKIE. Mr. President, touching the last point first—

The PRESIDING OFFICER (Mr. MONDALE in the chair). How much time does the Senator yield himself?

Mr. MUSKIE. Fifteen minutes.

Touching the last point first, so that my reply may be close to the statement made by the Senator from Kentucky, let me say that the procedures set up in the rulemaking and policymaking authority given in S. 4 are subject to the Administrative Procedure Act. The Senator has said that S. 4 gives only the Governor the right to appeal from any water quality standard established by the Secretary. That is not so. S. 4 provides, following the promulgation of the standard, that the Governor may then petition, in accordance with the pro-

cedure followed in establishing the standard in the first instance, for a revision of the standard; but in addition to the provision in S. 4 is this provision of the Administrative Procedure Act. We have gone over this in the committee, and the matter is plain and clear:

Every agency shall accord any interested person—

Any interested person—

the right to petition for the issuance, amendment, or repeal of a rule.

So the provision of S. 4 must be read in connection with the requirements of the Administrative Procedure Act.

If there is any doubt in the Senator's mind or that of any other Senator that the Administrative Procedure Act is applicable, I shall be happy to accept an amendment to this effect: "All action taken under this section for the adoption of standards and the promulgation of rules and regulations shall be taken in conformance with the provisions of the Administrative Procedure Act."

There is no question in my mind, or that of any other lawyer who has addressed himself to this question, that the Administrative Procedure Act will be applicable to this bill if it is passed. But if there is any doubt, I shall be happy to accept the amendment.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield to the Senator from Vermont.

Mr. AIKEN. I was about to ask the Senator from Maine, if that safeguard is already provided for in the Administrative Procedure Act, what his objection was to accepting the amendment offered by the Senator from Kentucky. It seems to me it would be better to have a duplication of this authority than to take a chance on some definition which might be placed on the various sections of the law later. I wondered what his objection was. I am sorry I have not been on the floor long enough to have heard all the argument.

Mr. MUSKIE. First of all, the provision of S. 4 with which we are dealing is the product of 2 years' work, careful refining and polishing, so that members of the committee on both sides know what it means and what its implications are. There is no doubt in our minds about it.

The amendment of the Senator from Kentucky has been presented to me in its present form for the first time in the past 30 minutes. From such examination as I have been able to give it in that time it does not seem to me that it changes sufficiently to make different, in my judgment, the provisions or objectives of S. 4. It says the same thing, in language that has not had the kind of testing and refining that the language in the bill has.

For example, the Senator's amendment provides that the regulations shall be published in the Federal Register. That is a requirement of the Administrative Procedure Act.

Mr. AIKEN. My question is: Does the amendment offered by the Senator from Kentucky do violence to S. 4, the bill itself?

Mr. MUSKIE. I cannot be sure. The Senator from Kentucky obviously feels

it does, or he would not have offered it. He is not in the habit of offering frivolous amendments. And because of that conviction, I must be careful when I say that in my judgment it does not differ from S. 4.

Mr. AIKEN. The reason I ask the question is that I know the Senator from Kentucky is not in the habit of offering amendments that do violence to a worthy bill. I wondered what the objection was. Perhaps the Senator from Kentucky can explain what his amendment would do which the Senator from Maine has not been able to discern up to now.

I have a great deal of respect for both the Senator from Maine and the Senator from Kentucky. I dislike to vote against either of them. Therefore, I must get down to the merits in making up my mind.

Mr. MUSKIE. I agree.

In the first place, the Senator's amendment is presented in the context of the argument which he has made; and the argument which he has made includes what he considers to be a list of dangers in S. 4. He leaves the implication that his amendment will deal with this matter. Otherwise, the argument has no relevance.

For example, he has said that this amendment is designed to protect the right to judicial review which, somehow, S. 4 has presumably jeopardized.

S. 4 does not jeopardize the right to judicial review. But if it does, the Senator's amendment does nothing different from S. 4 to correct that weakness.

Secondly, the Senator from Kentucky expresses concern about the vast geographical scope that S. 4 would give to the Secretary's control over the waters of the Nation.

Here, again, if that is a danger in S. 4, the Senator's amendment does nothing to correct it. Moreover, the bill does not enlarge by a cubic inch of water the jurisdiction of the Secretary under present law. So the jurisdictional territory does not change under S. 4. But if it did, the Senator's amendment does not correct that point.

Third, the Senator complains that S. 4 is too broad in its effect over States, municipalities, and industries. If, indeed, S. 4 does go beyond reasonable bounds in this respect, again the Senator's amendment does not touch the point in any different way than does S. 4.

The Senator from Kentucky speaks of the vast authority and power S. 4 gives to the Secretary.

I have indicated that S. 4 provides ample protections. But if it does not, the Senator's amendment does not change the bill, if it is adopted, in its effect in that respect.

The fifth point the Senator makes is that S. 4 gives the Secretary power to zone all our waters. I do not believe that is true. But if it is true, it is true as a result of the powers the Secretary now has.

For example, under section 2 of the present law is this language, and the title of the section: "Comprehensive Programs for Water Pollution Control":

The Secretary shall, after careful investigation, and in cooperation with other Federal

agencies, with State water pollution control agencies and interstate agencies, and with the municipalities and industries involved, prepare or develop comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries thereof and improving the sanitary condition of surface and underground waters.

This is a power the Secretary now has. S. 4 does not enlarge it in any way. But under S. 4 it is required that the Secretary, in advance of any attempt on his part to use enforcement powers which the law gives him, to establish standards so that industrial and other users and interstate agencies may understand in advance what is expected of them. He cannot exercise even this much authority without the safeguards which have been outlined in that section, which I shall be happy to discuss in detail.

Mr. AIKEN. Mr. President, will the Senator yield further?

Mr. MUSKIE. I yield.

Mr. AIKEN. If the Senator's only objection to the amendment offered by the Senator from Kentucky is one of doubt in that the meaning may not be clear, would he not be willing to take the amendment to conference? I am sure all of us believe the question will be cleared up there. I expect to vote for the measure, as I did previously.

It seems to me it is better to state a certain position of authority twice than it is to run the risk of leaving it out, if it is a desirable matter.

Mr. MUSKIE. If there were a way to bring the Senator's language into the bill, in addition to the committee's language, I would have no particular objection to the surplusage, but he offers it as a substitute. Therefore, the Senator from Vermont puts us in the position of saying that, as between two versions which say essentially the same thing, we are to take something developed in the past 6 hours rather than something which has been developed over the last 2 years.

Mr. AIKEN. I am not saying, I am asking. I am not saying.

Mr. LAUSCHE. Mr. President, will the Senator from Maine yield?

Mr. MUSKIE. I yield.

Mr. LAUSCHE. Is there any specific language in S. 4 giving the right to an aggrieved party to avail himself of the Administrative Procedure Act and to appeal to the courts, in the event he believes that his rights have been violated by the finding made? Is there any specific language in S. 4 to that effect?

Mr. MUSKIE. In the first place, S. 4 does not deal with the enforcement authority of the Secretary, that is, with the procedure for using that enforcement authority. It deals only with the question of establishing standards of water quality in advance of any enforcement situation.

If the enforcement powers are invoked, they are spelled out in present law and are not changed by S. 4, except to insert the test of practicability on standards. Otherwise, the enforcement powers are not changed. If they are invoked, there is ample protection for the individual.

First of all, the Secretary must call a conference. At that conference, all in-

interested States, interstate agencies, industries, and municipalities are parties. A case is made for the factual basis, for the consideration of the Secretary. The conference then reports to the Secretary with recommendations, if it chooses.

In a report to State and interstate agencies, the Secretary then provides for a minimum of 6 months to act in accordance with the conference report. If they fail to act, the Secretary can then convene a hearing board.

Each of the States involved can appoint a member of the hearing board. The Federal Government is also represented. The hearing board then hears all the interested parties. At the conclusion of its deliberations, it files a report with the Secretary indicating what, if anything, the hearing board concludes as to the state of pollution; what, if anything, it concludes about steps to be taken to alleviate the situation; and also what, if anything, it recommends for additional action.

The Secretary then sends those recommendations to the States and the interstate agencies and gives them no less than 6 months to do something about it. If they fail to act, he then asks the Attorney General to invoke the judicial process.

Mr. LAUSCHE. The Senator from Kentucky suggests that we write into the bill the applicability of the Administrative Procedure Act and the right to appeal. Is there any specific language in S. 4 stating that the Administrative Procedure Act applies, and that a party who believes himself to be wronged may go to court?

Mr. MUSKIE. No.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MUSKIE. Mr. President, I ask unanimous consent to proceed for 5 additional minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized for 5 additional minutes.

Mr. LAUSCHE. If it is not, what is wrong with putting it into the bill and resolving the question positively, so that it does apply and the right to go to court exists?

Mr. MUSKIE. I would be happy to accept the language of the suggestion and insert the following language:

All action taken under this action for the adoption of standards in the promulgation of rules and regulations shall be taken in conformity with provisions of the Administrative Procedure Act.

I have no objection to such a provision. I believe it is unnecessary, but I would be happy to accept that language.

Mr. President, I offer that amendment at this time.

The PRESIDING OFFICER. The Chair advises the Senator that before doing so it will be necessary to obtain unanimous consent.

Mr. COOPER. Mr. President, what is the parliamentary situation?

Mr. MUSKIE. Mr. President, I am sorry—I withdraw my suggestion.

The PRESIDING OFFICER. The Senator's request is withdrawn.

Mr. LAUSCHE. One further question. The Senator from Kentucky has stated

that in his amendment there is certain following language which is not in S. 4—namely, that in determining the quality standards and what shall be done to procure them, there shall be considered the practicability and economic feasibility of obtaining such standards.

Will the Senator discuss what his proposal provides on that item, and what his position is on it? On page 10 there is some language relating to the practicability of complying with such standards as may be applicable. Is that in here?

Mr. MUSKIE. Yes.

The language about which the Senator from Ohio inquires is found in two places; first, in the provision which to do with the standard that the court shall use in evaluating not only the standard, but also the practicability of the abatement orders which it is considering.

Thus, the court is given that authority under S. 4.

Second, in addition to the language which the Senator has just brought to my attention at the top of page 10, it gives the hearing board—to which I referred earlier in my colloquy with the Senator—the same mandate to consider the practicability of applying such standards as may be applicable.

Obviously the mandate to the court and the mandate to the hearing board which establishes the size of the opening at one end of the pipe would control what goes on at the other end of the pipe.

The Secretary must consider, as he frames these standards, that they will be subject to the test of practicability, first by the hearing board and second by the court, so the test is clearly set out. There is no question about it.

Mr. COOPER. Mr. President, will the Senator from Maine yield to me?

Mr. MUSKIE. I am glad to yield to the Senator from Kentucky.

Mr. COOPER. If the Senator from Maine will allow me to proceed, I wish to answer the arguments the Senator has made respecting my statement supporting my amendment.

Mr. MUSKIE. I thought the Senator rose to answer a question.

Mr. COOPER. The Senator from Maine stated a few minutes ago that he was about to respond to the propositions I had made in my statement. I desire to answer his argument.

Mr. MUSKIE. I am happy to yield to the Senator from Kentucky on his own time.

Mr. COOPER. Yes. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. COOPER. The statement was made that my amendment is a new one, and had not been made until a few minutes ago. It is correct that I reduced in form the amendment I offered in the committee, which spelled out in detail the right of affected parties for review in the circuit court of appeals of any regulation the Secretary might promulgate.

In place of such specific detail I have put this language in my pending amendment:

Except as otherwise specifically provided by this act, hearings and determinations under this act shall be made, and subject to administrative and judicial review, in accordance with the provisions of the Administrative Procedure Act.

This in substance, is exactly what I have been arguing for in committee for 2 years. I have offered the substance of this language—the right of judicial review in hearings and the last time, only yesterday. The distinguished Senator from Maine would not accept it. He would not agree to it. The committee would not agree to it and voted it down.

The second response I make is this: The Senator has referred to the additional criteria which my amendment proposes “the practicability and economic feasibility of attaining such standards”. The Senator has stated that this language is contained in S. 4 with respect to abatement proceedings. That is an entirely different matter. It is correct that when proposals for abatement are considered and recommendations are made by the hearing board, the question of the practicability and economic feasibility of abatement plans may be considered.

Mr. MUSKIE. Mr. President, will the Senator yield on my time?

Mr. COOPER. I shall yield in a moment. But the criteria I offer goes to the development of the water quality standards. That is entirely separate from their application in our statement proceedings.

Third. My amendment relating to public hearings is not limited to a Governor making a request, but gives the right to any affected party, anyone affected within the terms of the Administrative Procedure Act.

The Senator from Maine argues that the Administrative Procedure Act applies, even without its specific mention in the bill. Even if it is correct that it does apply, without a specific provision in the act saying it is applicable, yet if there is language in the act which contradicts the language of the Administrative Procedure Act, as S. 4 does, of course the language of the bill would supersede the Administrative Procedure Act.

I shall not detain the Senate longer. I have stated my position. I was rather interested to hear the distinguished Senator from Maine say, after 2 years of work on this subject, that the bill does not give any additional authority to the Secretary of Health, Education, and Welfare. I ask, then, what is the purpose of the bill?

I have great respect for the Senator. He is an able debater. That is the great problem I have with him in committee, and on the floor. When we reach a specific point for debate and answer, he raises some other point. This makes matters difficult.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. SALTONSTALL. Is not the Senator from Kentucky trying to make sure that in this vast new power which is being given to the Secretary of Health, Education, and Welfare, the Governor of a State and the States themselves will

be assured of an opportunity of a public hearing in court, if necessary?

Mr. COOPER. The right would be given to any affected party.

Mr. President, my amendment does not meet all the objections in the bill. I am offering it as a minimum assurance that the parties will have their day in court.

Mr. MUSKIE. Mr. President, I yield myself 2 minutes. I believe I should make this point so that the RECORD will be very clear. I shall not go beyond it, unless I am asked some questions. The amendment of the Senator from Kentucky would change S. 4 in one further important respect, and that is in the procedure which is established in S. 4 for a revision of standards once they have been promulgated.

The Senator from Kentucky would rely wholly upon the provisions of the Administrative Procedure Act for that purpose. The committee felt it important 2 years ago that there be clearly spelled out in the bill an opportunity to test the standards that had been promulgated by the Secretary, and that that test be applied by all the agencies which the Senator is interested in protecting, and the interests that he is interested in protecting.

The provisions set out in S. 4 do this very thing. The day after the Secretary promulgates his standards, the Governor of any State can question them, not only under the Administrative Procedure Act, which is open to any interested party, but also in his own right under the provisions of S. 4, and test them in any way he wishes to test them, and to suggest modifications or outright repeal.

There is one other point that should be made. What we are talking about is the establishment of standards, not as a preliminary action, but as an enforced action. There is a very important distinction. When we are talking about enforcement action, we are talking about something that impinges on someone or has a direct impact.

When we are talking about standards, I have in mind, for example, the possibility of the standards of a pure stream not being defiled by any industrial user.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MUSKIE. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. MUSKIE. From what basis of fact could a determination be made as to whether the standard required in that kind of situation is practicable or economic or feasible as to some future use, which has not been identified or defined?

When we are talking about established standards, where there is no indicated need for enforcement, we are talking about a situation which would call for the wisdom of Solomon to apply the practicability standard at that point.

Therefore, understandably, the practicability standard is established and clearly established in the law by S. 4 in the enforcement section of the law, where it ought to be, in the place where the people's rights are being affected by the proposed abatement order of the Secretary.

Mr. HOLLAND. Mr. President, will the Senator yield for a few questions?

Mr. MUSKIE. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. Is it correct to say that the fact that a stream is navigable brings it under the proposed act, even though it is an intrastate stream and not an interstate stream?

Mr. MUSKIE. In my judgment, the stream must cross a State boundary to be covered by the provisions of the bill; that is, by the standards section. Under current law, the Secretary is given authority to move into intrastate streams when requested to do so by the Governor of a State.

However, the bill (S. 4) provides no authority for the Secretary to establish standards on any intrastate stream when he is invited in by the Governor. The standards section is clearly limited to interstate streams.

Mr. HOLLAND. Then, on the request of the Governor of a State, having a large intrastate stream which passes various industries and various cities, the Secretary would have no authority whatever under the proposed act to set standards of purity? Is that correct?

Mr. MUSKIE. None whatever under these provisions. He has general authority under the present law to suggest programs. He could use that authority in making recommendations to the Governor of the State.

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. MUSKIE. I yield myself 2 additional minutes.

But the Secretary cannot go in in advance on an intrastate stream.

Mr. HOLLAND. In my State, the St. Johns River runs north for approximately 200 miles, to the city of Jacksonville, and then turns east and flows into the Atlantic Ocean. It is a large stream, and navigable for at least 150 miles of its length. The stream passes various cities, such as Sanford, Palatka, Green Cove Springs, and Jacksonville, to name only a few. The stream is now receiving, and probably will in the future continue to receive, the effluence from a mill at a certain point lying between certain of these cities. Assuming that the Governor of the State should ask the Secretary to come in and set standards as to this stream, would the Secretary have the authority to set standards for that stream?

Mr. MUSKIE. Not under this section.

Mr. HOLLAND. Under any section?

Mr. MUSKIE. I should like to read to the Senator the language in the present law bearing upon the Secretary's authority.

Under section 2 of the present law, under the title "Comprehensive Programs for Water Pollution Control," the present act provides:

SEC. 2. (a) The Secretary shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution control agencies and interstate agencies, and with the municipalities and industries involved, prepare or develop comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries thereof and improving the sanitary condition of surface and underground waters.

That would give him the authority, as I understand, to recommend programs which might include standards of use. But that is not the kind of authority which would permit him to go on from there and actually promulgate standards that would have the force of law on anyone in that State.

Mr. HOLLAND. There is no provision in the bill that would give the Secretary the right in such a case to prescribe compulsory standards of purity of water in such a stream?

Mr. MUSKIE. I would think not. I have one caveat on that point. Is there any tributary of the stream to which the Senator has referred which crosses the State border?

Mr. HOLLAND. No. The border between the State of Florida and the State of Georgia is itself another river, the St. Marys River, so that streams that would come from the north would begin inside the State of Florida.

Mr. MUSKIE. Then it is my impression that in that situation the only authority the Secretary would have with respect to standards would be the recommending authority in the language of the present law, which I have just read. S. 4 would not expand the authority.

Mr. HOLLAND. If the Governor made a request of the Secretary of the Interior in such a matter, how far could that request go and how far could the Secretary go in fulfilling it?

Mr. MUSKIE. That would be under present law. Under present law the Secretary has instituted enforcement actions of a type which can be brought only when there is an endangerment to health and welfare in, I believe, roughly 30 to 35 instances. I believe that a few of those may have involved intrastate waters and have been brought at the request of the Governor. I think there has been only a handful of those. Other than those, I believe most of the actions taken by the Secretary have involved interstate streams.

With respect to comprehensive programs—the language to which I referred earlier—the Secretary is undertaking river basin studies of the major river basins of the country with a view to development, with the assistance of interstate and intrastate agencies, of programs for the cleanup of the waters. But they are subject, of course, to the cooperative efforts of the States.

Mr. HOLLAND. With reference to the substitute amendment which the Senator has offered, if standards could be imposed by the Secretary in such a case as I have recited, would it clearly give the right to the mayors of the various cities, to the industries that were involved, and to property owners who were involved, to take the contrary positions, and would it give them the right in court to take those positions?

Mr. MUSKIE. As I understand, the Administrative Procedure Act provides only for administrative review of the regulations. Judicial review is provided when enforcement action is undertaken but in the establishment of rules and regulations only administrative review is provided. I am not an authority on the Administrative Procedure Act—except insofar as the sections are relevant.

Mr. HOLLAND. In any event, under the Administrative Procedure Act, if the Secretary should attempt to set standards in such a case as I have recited, could the mayors of the various cities having contradictory rights, and property owners and industries having contrasting rights, take an opposite position and be heard under the Administrative Procedure Act?

Mr. MUSKIE. As I understand that section, they could.

Is the Senator from Kentucky prepared to yield back the remainder of his time?

Mr. COOPER. Mr. President, I yield back the remainder of my time.

Mr. MUSKIE. Mr. President, I yield back the remainder of my time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time having been yielded back, the question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. COOPER]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Alaska [Mr. GRUENING], the Senator from Montana [Mr. METCALF], and the Senator from Florida [Mr. SMATHERS], are absent on official business.

I also announce that the Senator from Washington [Mr. MAGNUSON], and the Senator from South Dakota [Mr. McGOVERN], are absent because of illness.

I further announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. MOSS], and the Senator from Connecticut [Mr. RIBICOFF] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. GRUENING], the Senator from Washington [Mr. MAGNUSON], the Senator from South Dakota [Mr. McGOVERN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. MOSS], and the Senator from Florida [Mr. SMATHERS], would each vote "nay."

On this vote, the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from Connecticut [Mr. RIBICOFF].

If present and voting, the Senator from Colorado would vote "yea" and the Senator from Connecticut would vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Kansas [Mr. CARLSON], the Senator from Idaho [Mr. JORDAN], and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

The Senator from Kansas [Mr. PEARSON] and the Senator from South Carolina [Mr. THURMOND] are absent on official business.

The Senator from Delaware [Mr. WILLIAMS] is detained on official business.

On this vote, the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from Connecticut [Mr. RIBICOFF]. If present and voting, the Senator from Colorado would vote "yea" and the Senator from Connecticut would vote "nay."

On this vote, the Senator from Kansas [Mr. CARLSON] is paired with the Senator from Idaho [Mr. JORDAN]. If present and voting, the Senator from Kansas would vote "yea" and the Senator from Idaho would vote "nay."

On this vote, the Senator from Vermont [Mr. PROUTY] is paired with the Senator from Kansas [Mr. PEARSON]. If present and voting, the Senator from Vermont would vote "yea" and the Senator from Kansas would vote "nay."

On this vote, the Senator from South Carolina [Mr. THURMOND] is paired with the Senator from Delaware [Mr. WILLIAMS]. If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Delaware would vote "nay."

The result was announced—yeas 29, nays 54, as follows:

[No. 6 Leg.]

YEAS—29

| | | |
|-----------|--------------|----------------|
| Aiken | Hickenlooper | Murphy |
| Bennett | Holland | Robertson |
| Byrd, Va. | Hruska | Russell |
| Cooper | Javits | Saltonstall |
| Cotton | Jordan, N.C. | Simpson |
| Curtis | Kuchel | Stennis |
| Dirksen | Lausche | Talmadge |
| Dominick | McClellan | Tower |
| Ervin | Morton | Young, N. Dak. |
| Fannin | Mundt | |

NAYS—54

| | | |
|--------------|----------------|----------------|
| Anderson | Gore | Mondale |
| Bartlett | Harris | Montoya |
| Bass | Hart | Morse |
| Bayh | Hartke | Muskie |
| Bible | Hayden | Nelson |
| Boggs | Hill | Neuberger |
| Brewster | Inouye | Pastore |
| Burdick | Jackson | Pell |
| Byrd, W. Va. | Kennedy, Mass. | Proxmire |
| Cannon | Kennedy, N.Y. | Randolph |
| Case | Long, Mo. | Scott |
| Church | Long, La. | Smith |
| Clark | Mansfield | Sparkman |
| Dodd | McCarthy | Symington |
| Douglas | McGee | Tydings |
| Ellender | McIntyre | Williams, N.J. |
| Fong | McNamara | Yarborough |
| Fulbright | Miller | Young, Ohio |

NOT VOTING—17

| | | |
|---------------|----------|----------------|
| Allott | Magnuson | Prouty |
| Carlson | McGovern | Ribicoff |
| Eastland | Metcalf | Smathers |
| Gruening | Monroney | Thurmond |
| Johnston | Moss | Williams, Del. |
| Jordan, Idaho | Pearson | |

So Mr. COOPER's amendment was rejected.

Mr. MUSKIE. Mr. President, I move to reconsider the motion by which the amendment was rejected.

Mr. MORSE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. Have the yeas and nays been ordered on passage of the bill?

The PRESIDING OFFICER. The yeas and nays have not been ordered on passage of the bill.

Mr. DIRKSEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MUSKIE. Mr. President, as I indicated in the discussion on the Cooper amendment, I offer an amendment. All this amendment would do would be to make all of the authority exercised by the Secretary under S. 4 subject to the Administration Procedure Act. I personally think that it would be subject to it anyway, but to clarify the matter, I offer the amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. Between lines 17 and 18 on page 9 it is proposed to insert:

(7) All action taken under this section for the adoption of standards and the promulgation of rules and regulations shall be taken in conformity with provisions of the Administrative Procedure Act.

Mr. MUSKIE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Alaska [Mr. GRUENING], the Senator from Montana [Mr. METCALF], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

I also announce that the Senator from Washington [Mr. MAGNUSON], and the Senator from South Dakota [Mr. McGOVERN] are absent because of illness.

I further announce that the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. MOSS], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Georgia [Mr. TALMADGE], and the Senator from New York [Mr. KENNEDY] are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Washington [Mr. MAGNUSON], the Senator from South Dakota [Mr. McGOVERN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. MOSS], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], the Senator from Georgia [Mr. TALMADGE], and the Senator from New York [Mr. KENNEDY] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Kansas [Mr. CARLSON], the Senator from Idaho [Mr. JORDAN], and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

The Senator from Kansas [Mr. PEARSON] and the Senator from South Carolina [Mr. THURMOND] are absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from Nebraska [Mr. CURTIS], and the Senator from Delaware [Mr. WILLIAMS] are detained on official business.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Utah [Mr. BENNETT], the Senator from Kansas [Mr. CARLSON], the Senator from Nebraska [Mr. CURTIS], the Senator from Idaho [Mr. JORDAN], the Senator from Kansas [Mr. PEARSON], the Senator from Vermont [Mr. PROUTY], the Senator from South Carolina [Mr. THURMOND], and the Senator from Delaware [Mr. WILLIAMS] would each vote "yea."

The result was announced—yeas 75, nays 0, as follows:

[No. 7 Leg.]

YEAS—75

| | | |
|--------------|----------------|----------------|
| Aiken | Gore | Morse |
| Anderson | Harris | Morton |
| Bartlett | Hart | Mundt |
| Bass | Hartke | Murphy |
| Bayh | Hickenlooper | Muskie |
| Bible | Hill | Nelson |
| Boggs | Holland | Neuberger |
| Brewster | Hruska | Pastore |
| Burdick | Inouye | Pell |
| Byrd, Va. | Jackson | Randolph |
| Byrd, W. Va. | Javits | Robertson |
| Cannon | Jordan, N.C. | Russell |
| Case | Kennedy, Mass. | Saltonstall |
| Church | Kuchel | Scott |
| Cooper | Lausche | Simpson |
| Cotton | Long, Mo. | Smith |
| Dirksen | Long, La. | Sparkman |
| Dodd | Mansfield | Stennis |
| Dominick | McClellan | Symington |
| Douglas | McGee | Tower |
| Ellender | McIntyre | Tydings |
| Ervin | McNamara | Williams, N.J. |
| Fannin | Miller | Yarborough |
| Fong | Mondale | Young, N. Dak. |
| Fulbright | Montoya | Young, Ohio |

NAYS—0

NOT VOTING—25

| | | |
|----------|---------------|----------------|
| Allott | Jordan, Idaho | Prouty |
| Bennett | Kennedy, N.Y. | Proxmire |
| Carlson | Magnuson | Ribicoff |
| Clark | McCarthy | Smathers |
| Curtis | McGovern | Talmadge |
| Eastland | Metcalf | Thurmond |
| Gruening | Monroney | Williams, Del. |
| Hayden | Moss | |
| Johnston | Pearson | |

So, Mr. MUSKIE's amendment was agreed to.

Mr. LONG of Louisiana. Mr. President, I call up my amendment, which is at the desk.

The PRESIDING OFFICER. The amendment offered by the Senator from Louisiana will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 5, between lines 10 and 11, to insert the following:

No part of any appropriated funds may be expended pursuant to authorization given by this Act involving any scientific or technological research or development activity unless such expenditure is conditioned upon provisions effective to insure that all information, copyrights, uses, processes, patents, and other developments resulting from that activity will be made freely available to the general public. Nothing contained in this paragraph shall deprive the owner of any background patent relating to any such activity, without his consent, of any right which that owner may have under that patent.

Whenever any information, copyright, use, process, patent, or development resulting from any such research or development activity conducted in whole or in part with

appropriated funds expended under authorization of this Act is withheld or disposed of by any person, organization, or agency in contravention of the provisions of the preceding paragraph, the Attorney General shall institute, upon his own motion or upon request made by any person having knowledge of pertinent facts, an action for the enforcement of the provisions of the preceding paragraph in the district court of the United States for any judicial district in which any defendant resides, is found, or has a place of business. Such court shall have jurisdiction to hear and determine such action, and to enter therein such orders and decrees as it shall determine to be required to carry into effect fully the provisions of the preceding paragraph. Process of the district court for any judicial district in any action instituted under this paragraph may be served in any other judicial district of the United States by the United States Marshal thereof. Whenever it appears to the court in which any such action is pending that other parties should be brought before the court in such action, the court may cause such other parties to be summoned from any judicial district of the United States.

Mr. LONG of Louisiana. Mr. President, S. 4 authorizes the expenditure of public funds for research and development to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes.

The research to be financed by these funds is intended to benefit the public to the greatest possible extent. It is natural, therefore, that the results of the research should be available to those whom the research is intended to benefit in the first place: The United States, the individual States, the general public, and the populations of many areas where water pollution problems are now serious or are expected to be serious in the future. The proposed amendment is an assurance and mandate that the intent and purpose of this legislation will be carried out.

This amendment is similar to the provision unanimously approved by the Senate for the Coal Research and Development Act, the Helium Gas Act, the saline water bill, the disarmament bill, the mass transit bill, and the water resources bill. An additional provision has been added, however, to assure that the Government in any action for the vindication of its rights will not be denied adequate relief because of procedural obstacles.

What we are talking about is that when the Government makes \$20 million available in grants to States and municipalities for them to do research, those people are not going to give away private patent rights with the Government's money, with the result that the private contractor would then be in a position to deny every other municipality in America, including the one that signed the contract, the benefit of the Government's \$20 million in research money.

What has been happening to this research money is so bad that the men who signed the contract should be in jail.

I have before me a publication of the General Accounting Office showing, on page 6, that the Department of Defense awarded a contract to one of the biggest corporations in America, receiving many millions of dollars of Federal

money, and taking out private patents which put them in a position to deny everyone the benefit of the Government's own research money. The Government is supposed to be licensed so that it can license someone to work in behalf of research for the Government, or on national defense.

Although these people are supposed to be permitted private patents to their own advantage, they seek a patent monopoly and they do not even tell the Government what they are developing.

At the time of the review, for example, we found that LMSC—which is the Lockheed Co.—had refused to discuss information on 58 subjects of interest to the Government. That was done under a contract which requires disclosure. Lockheed would not disclose information to the Government on 340 other subject inventions which had been delayed from 6 to 46 months—as long as 4 years after the inventions were reported to the contract, or by the employee inventors.

Imagine that. We give those people \$12 billion for research. What do they do? They will not even tell the Government what it will get for the \$12 billion.

Suppose they are trying to build a missile to shoot down an attack vessel. We would need to know what those people have discovered with our own money. We cannot find out. They will not tell the Government.

Director Webb is signing the contracts—in my judgment, in violation of the law. If they have the power to get away with this, such administrators violate the law in this giveaway.

We must put it expressly into law that this research will be for the benefit of 180 million Americans, when it is made with Government money. Otherwise, we shall not be able to protect the Government's money.

I am happy to say that the distinguished Senator from New Mexico [Mr. ANDERSON] put amendments into the saline water research bill to see to it that the Government's rights in these discoveries would be for the benefit of all the people in America. Great headway is being made. If we find a way to convert salt water into fresh water it will be done for the benefit of everyone in America and the world.

We will not have some robber baron getting the benefit of the Government's money, but it will be for the benefit of 180 million people, done with the benefit of their tax money.

This amendment should be in the bill, just as it was in the saline water research bill. It should be included in this bill, just as it was in the bill on coal research, and in the bill which was passed on helium, which was in charge of the Senator from New Mexico.

In my judgment, this is one of the serious faults in Government where it raises the point: Are these tax moneys to be spent for the benefit of the public in general, or are they to be spent for private gain?

In my judgment, taxing the American people for the private gain of an individual is corrupt and should be prevented.

I know that the Senator in charge of the bill does not want that to happen. The best way to see that it does not happen is to take the provision which is patterned after all the provisions adopted previously in other bills to which Senators have agreed.

It is essential that this money be spent on research, and not be given away to some private individual at the expense of the public interest.

I believe that the Senator from Maine is willing to accept the amendment. I hope very much that he will fight for it, in the event that we have some difficulty persuading the House to take it.

Mr. MUSKIE. In response to the statement made by the Senator from Louisiana, the amendment was not considered at the committee hearings, so we did not have an opportunity to study it. Nevertheless, the fact is that the pattern has been established, in some instances, particularly with respect to the saline water research bill, and I am willing to accept the amendment and take it to conference, subject to such questions and discussions as we may have on the floor.

Mr. AIKEN. I should like to ask some questions. To what extent was this amendment considered in the committee?

Mr. MUSKIE. As I have just stated, Senator, it was not considered at all.

Mr. AIKEN. No witnesses at all were heard on the bill?

Mr. MUSKIE. No witnesses were heard.

Mr. AIKEN. Is it important?

Mr. MUSKIE. It is important.

Mr. AIKEN. Then why was it not considered in committee, if it had been considered in other committees at other times? Why was it not considered in committee at this time? Is not this amendment more important than the Cooper amendment to which the Senator from Maine has taken strong exception?

Mr. MUSKIE. It is of the utmost importance, as the Senator from Louisiana has stated so eloquently.

Mr. AIKEN. But it comes in at the last minute. The Senator from Louisiana spoke of the robber barons. He spoke with reference to the oil companies, the uranium companies, and the helium companies. It seems to me ridiculous to vigorously oppose an amendment such as the one offered by the Senator from Kentucky on the ground that it duplicates the provisions in the Administrative Procedure Act, and yet accept the far-reaching amendment offered by the Senator from Louisiana. It is nonsense. It is ridiculous. We wonder who is back of it?

Mr. MUSKIE. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I yield.

Mr. MUSKIE. The Senator is implying that I am speaking for someone who is hidden in the mists of obscurity. I am doing no such thing. So far as the Senator from Kentucky is concerned, I was not opposing his amendment vigorously. He was opposing my bill vigorously, and I was undertaking to defend it against the allegations which he made as to its merit. That is all. I did not pillory the

Senator from Kentucky, did not intend to do so, and do not intend to do so. What I did, in the case of the Senator from Kentucky, has no relevance to this question. I have indicated my attitude. The Senator can disagree with it or not. I see no reason for him to question my motivation concerning it. I stated that there was no hearing held on this point.

Mr. AIKEN. I do not question the Senator's motivation.

Mr. MUSKIE. I stated, in addition to that question, that there has been a pattern of some sort set in this respect in research programs sponsored with the Government's money, and that I was willing to accept the amendment and take it to conference for such consideration as the conference wished to make. I am not an advocate of the amendment. I could not be, because I have no basis for it.

Mr. AIKEN. The Senator from Maine is willing to accept the amendment offered by the Senator from Louisiana on almost the same basis that he was willing to reject the amendment offered by the Senator from Kentucky, on the ground that there is already provision for it, and that the precedent is established. I merely ask, what is the reason for bringing it in at this time when it was not proposed before the committee, and no one had been notified that the bill was coming up? I suspect that I will support the amendment. I am pretty sure that I would support the amendment offered by the Senator from Louisiana if it were offered on its own merits, but I will admit I am not happy about the manner in which it is being brought up at this time.

I am not an advocate of the oil companies, the helium companies, or the uranium companies. I believe that the amendment is probably a good one, but it should be offered in its own right and not sprung upon the Congress or the Senate without any previous consideration being given to it.

Mr. LONG of Louisiana. Mr. President, several years ago I conducted hearings on the subject and informed the Senate that any time a bill came before the Senate which would provide for research, I proposed to raise this issue: Is this research going to be for the benefit of 180 million Americans, or for the benefit of one private corporation?

If we are going to tax the American people for the private gain of some company or a single individual, I propose to raise that issue.

Now we are about to authorize a research program. In 1947, 17 years ago, the Senator from Vermont [Mr. AIKEN] was a sponsor of an amendment along exactly the same principles I am for, on all Government research. He was fighting to defend the public interest in exactly the same way I see it.

An amendment was proposed in the National Science Foundation Act concerning this research, in order to protect the Government.

I salute the Senator from Vermont for having acted in the national interest in this fashion.

I raised this same issue on the coal research bill, and on the urban transit

bill. I raised the same issue on the disarmament bill, and I am not in a position to know what these requests are going to accomplish.

Whenever a research bill is brought before the Senate the junior Senator from Louisiana can be expected to offer such an amendment and to raise the question whether the research will be for the benefit of the 180 million people of the country who pay for it, or whether it will be used exclusively for the benefit of private groups.

Something has been said about oil companies. I am not embarrassed to be called an oil Senator. Anyone who wishes to do so can call me an oil or gas Senator. I will continue to look after the interests of the State of Louisiana, just as I expect every other Senator to look after the interests of his own State. The oil industry does its own research. It has never asked the Government to finance its research. It has never come to Washington to ask for money with which to conduct its research. If it ever does come I will offer my amendment to any bill of that kind that may be proposed. No one has any right to use Government money for his own advantage.

Who proposes to defend this practice? The Lockheed Corp. has been holding out on the Government for 4 years on discoveries it has made with Government money. Who wants to defend a practice like that? Who wants to justify it? That research was paid for by taxpayer money.

Senators know that today we do not have a missile that can shoot down a Russian missile aimed at the United States. The reason could well be that important technical and scientific information has been withheld. The Lockheed Corp. will not tell us what it has found out in its research financed with tax money. They will not tell us what they have discovered with that money. If they can get away with this in dealing with the Federal Government, they can do this in dealing with the individual States.

The only way to stop this thing is to spell it out in the law by stating that they cannot get away with this sort of thing. What I propose has been done before. We did it in the Atomic Energy Act. It has created no problem in connection with that act. Frankly, Mr. President, if we look in the areas where the Government research has been in the public interest, with no private patents granted, we find that those are the areas in which we are ahead. In atomic energy, we are ahead. That research is available to everyone. No one can hold out on the results of research in that field.

In the field of agriculture we have had a research program without private patents. In that field we are far ahead of the Russians. They cannot possibly catch up with us, even with our help. That is how far ahead we are in areas where we did it in the public domain.

Whenever we let certain individuals keep research results for as long as 4 years and have private patents, we cannot keep up with the Russians.

Here it is proposed to go on with a new research program which can allow someone to use his power with a governor to see to it that Federal money is used for his private advantage, instead of in the public interest.

The Senate has acted on this issue time and time again during the past 2 years. Its answer has been consistent. Its answer today should be consistent also.

We are dealing with a new research program that is proposed to be established. The States will handle Federal money. If they discover something worthwhile, it should be available to every citizen in the country. The public should be given the benefit of its tax money.

I hope my good friend from Vermont will support the amendment, because he sponsored a similar amendment 17 years ago.

Mr. AIKEN. Mr. President, I have no doubt that I would support the proposal of the majority whip if it were properly offered. I object to the manner in which it is proposed and the manner in which it is brought before the Senate. We hear a great deal about precedents. I realize that there are many precedents. We have found some of them to be useful. However, most of our precedents have been established after mature thought and consideration.

What I am trying to do now is to ask that the Senate not establish the precedent of ramming major legislation down the throat of the Senate without previous notice or consideration. That is all I am asking.

I do not believe this is the place for this sort of amendment. No notice was given. The amendment was not printed. Let us not establish another precedent under which anyone in authority can ram major legislation down our throats without notice and without consideration.

Mr. PASTORE. Mr. President, I shall support the amendment of the Senator from Louisiana. The amendment is very simple. All that the amendment provides is that when taxpayers' money is used in research, anything that is discovered belongs to all the people. It is as simple as that. I cannot understand that we would be setting a precedent that should alarm anyone. It is a simple amendment.

What the Senator from Louisiana is doing is saying that where taxpayers' money is used in a research project the result that is discovered belongs to all the people because all the people gave money to the discoverer in order to have the opportunity to make the discovery. That is how simple the issue is.

I do not see why anyone should be alarmed about any precedent being established. I shall wholeheartedly support the amendment, in good conscience.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. AIKEN. I am not opposing the principle set forth by the Senator from Louisiana. I am opposing the method by which it is being put forth. I object to

anyone in official standing or even the whole party across the aisle ramming major legislation down the throats of Senators without previous notice or consideration. That is all I am saying.

Mr. PASTORE. We do it every time. We do it all the time.

Mr. AIKEN. It should not be done. I know it is done, but it should not be done.

Mr. PASTORE. It is done every time.

Mr. AIKEN. I know, but it should not be done.

Mr. PASTORE. It is no novel idea to bring up an amendment unexpectedly and by surprise. That is how a Senator can get his name on the front page.

Mr. MILLER. Mr. President, the Senator from Rhode Island has said that this is a very simple amendment. That is the difficulty with the amendment. It is too simple. It is not just a matter of whether or not we take taxpayers' money and turn it over to a private contractor to be used entirely for research purposes and the contractor does not spend any of his own money. We have no problems with that kind of situation. At least, I do not have any difficulty with it. It is not as simple as that. In some cases a contractor would receive \$100,000 from the Federal Government and he would put up another \$100,000, or perhaps \$200,000, \$300,000, or \$400,000.

Are the Senators from Rhode Island and Louisiana willing to say, because the Federal Government put up \$100,000 and the private contractor put up \$300,000, that it is fair that the whole result should go to the Federal Government?

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MILLER. I shall yield in a moment. Are they willing to say that all of the benefit should go to the Federal Government? Last year there was a hearing before the Joint Economic Committee. The distinguished Senator from Illinois will recall that this very problem was raised and discussed at length by some of the witnesses. It was indicated that there were difficult problems in the allocation with respect to the results of research.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MILLER. In some cases a 50-50 division might be fair. In other cases an allocation of 100 percent to the Federal Government might be fair. In some cases it might be fair to give one-third, while in other cases it might be fair to give two-thirds. The problem is not as simple as that. That is the difficulty I have with the amendment of the Senator from Louisiana.

Mr. LONG of Louisiana. Does the Senator from Iowa know how the administrators use their discretion? Wherever administrators have had discretion, they have given it all away.

Mr. MILLER. I would not want to apologize for what the administrators did in these matters. The Senator from Iowa and the Senator from Louisiana probably could get together on a fair and equitable allocation where it was indicated. The difficulty with the Senator's amendment is that, merely because \$1 of Federal money goes into some re-

search project, the entire result would have to go to the Federal Government. I do not believe that is fair.

All of this is raising an increasingly serious problem. The Joint Economic Committee went into this subject last year.

Mr. LONG of Louisiana. The amendment states in effect: "If you have some background that you have obtained, we will protect your use of it." The provisions of the amendment are contained in the Agricultural Act, in the Atomic Energy Act, in the Tennessee Valley Authority Act, and in a great many other acts. Everyone who has been affected by it likes it very much. Those in Government who have had experience with it say that people come to them and put pressure on them. They may be people who have made large political contributions. They come and ask the administrators to give away the Government's rights. The Government can say, "No; we cannot do that."

That is how interested parties look at it. They do not want that type of discretion because there is so much in it for some contractors. The discretion would be used to give it all away. I make that statement because when administrators have had the discretion they have given it away. A proposal was made that before patent rights could be given away, a study should be made to determine the value of the right and knowledge of what would be given away.

Do Senators know what administrators would do? They would give away the results of research no matter what the right would consist of, for that is what has happened when discretion has been given to them. If the Senate wishes to give the administrators discretion, we might as well give it all away and be done with it.

Mr. MILLER. The Senator has said, "I have not read the proposal," and then he refers to background patent protection. I am not talking about background patent protection. I am talking about patent developments that may grow out of specific research, the background patents to the contrary notwithstanding. We are not talking about the same problem. If the Senator wishes to refer to the background patents, all I am saying is that if the amendment offered by the Senator from Louisiana—and, incidentally, I think it would be most beneficial if all Senators had a copy to look at—had provided that instead of all of the benefits going to the Federal Government, language something like "the Federal Government's fair and equitable share in the information, copyrights, uses, processes, patents, and other developments resulting from that activity will be preserved," then I think we would have a fair and equitable amendment.

So far as uniformity with respect to other laws is concerned, I grant that the proposal is in line. But that does not mean that those provisions are right. Last year we had hearings before the Joint Economic Committee which indicated that serious problems were arising because of these other uniform provisions.

The Senator from Louisiana, I believe, could make a contribution if he would modify his amendment and let the House of Representatives look it over to see whether or not the proposal might be a step in the right direction in getting away from these harsh results. I believe it would be an improvement to do so, and I would support an amendment with that modification in it, because I think it would be an improvement. But I do not think that we ought to take a meat-ax approach to everything that happens as a result of research.

Mr. LONG of Louisiana. Mr. President, my friends on the other side of the aisle start by saying that the amendment ought to be studied, and that such a proposal should not be brought before the Senate as a surprise.

I point out that the procedure proposed has been adopted by Congress with relation to every research bill that has been passed during the past 4 years. We have done it repeatedly. It is identically the same language, so far as the requirements in the contracts are concerned, that we have voted for time and time again.

It is the suggestion of the Senator from Iowa that is on trial. That is the one that has not been tried. No one knows what his suggestion would do. We all know how my proposal would work.

Atomic Energy Commission contracts include a requirement that the result of research be available generally. Admiral Rickover has said that there has never been a problem. He has said he does not have enough contractors to do research for him. He has said that the difficulty is that he does not have enough contractors to go around.

Parallel work is being done on salt water conversion. That activity is almost identical with what we would attempt to do under the bill. We are trying to clean up water. The same problem in water control is involved. There has been no problems, however, with respect to the provision which I have proposed. It works fine.

The type of provision proposed, word for word, in the controlling section is identical with what has been the law for 50 years. If we insert similar language into the bill now before the Senate, we know how it will work. If we did it the way the Senator from Iowa has proposed, no one knows how it would work. If we inserted a provision permitting discretion, let us face it: We might as well give the results of the research away.

Let us include a provision that we know has worked in the past.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. MILLER. I am not saying that my proposal is perfect. But I do think that it is pretty difficult to refute the point that the Federal Government is entitled only to its fair and equitable share, and to nothing more and nothing less.

The difficulty with the Senator's amendment is that he is proposing that the Government be entitled to everything. He falls back on the fact that

a similar uniform provision appears in some other acts. But that does not make it right.

I am sorry that the proposal was not before the subcommittee for hearings. The subcommittee did a very fine job on what it had to work with. The bill is most complex. I would regret to see the bill go back for further hearings with respect to the Senator's amendment.

But what I would like to suggest is that the Senator either modify his amendment or be content to file it as a bill and let the bill before the Senate stand on its own two feet. Let us get it going. I am sure that the Senator could see to it that proper action would be taken on this bill. Let us do a job in this area for once.

I think the amendment needs study. I believe it needs hearings. I think it needs action, too, because the uniform provisions to which the Senator has referred have caused a considerable amount of difficulty.

If we say that administrators have abused their discretion and therefore we will not give them any discretion, I do not know how we are ever going to move. Great discretion is given to administrators. We have to repose a certain amount of confidence in their discretion, regardless of who the administrators may be. I believe it would be proper to give them discretion in cases such as the one we are now considering; and if there are abuses, we shall clean them up, too.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield to the Senator from Rhode Island.

Mr. PASTORE. Is the Senator from Rhode Island correct in assuming that the money which will be devoted to research projects under the bill would be all public money?

Mr. MUSKIE. That is what we have in mind.

Mr. PASTORE. No private moneys would be involved?

Mr. MUSKIE. It is conceivable that we might find some situation in which some person has put his private money into a project, although that is not likely. But in the past we have had research programs in which a contractor would do the research—

Mr. PASTORE. How would it be conceivable that an individual would put his own private money into such a project?

Mr. MUSKIE. It is conceivable that private money would be involved. For example, with relation to the program involving the separation of storm and sanitary sewers, it is conceivable that some private organization might be interested in contributing a solution, a technique, or a formula, and would be willing to put up some of its money and some of its efforts provided it got some assistance from Federal, State, or local governments. In that event some private funds would be involved. I agree that it is not likely that it would be involved.

Mr. LONG of Louisiana. There is one slight difference between the proposal and existing law in other areas. Most of

the statutes to which reference has been made that prevent the giveaway of patent rights provide that the information shall be freely and fully available. At the request of some departments the word "fully" has been omitted, so that a distinction could be made between the ideas that some people had already developed with their own private money and that which they might develop with the Government's money. So if a contractor should desire a Government contract, he could come in and say, "This is what we know now. This is what we have done. We would like to protect our rights with respect to what we have developed."

But what will be done with Government money will be freely available to everyone in the country. I do not think we would desire much more flexibility than that. Otherwise we would get into the prospect of doing something of the kind that we have discussed, in which an administrator signs away the Government's rights entirely. That being the case, we have that much flexibility and do not want any more.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. HRUSKA. I have suggested to the Senator from Rhode Island that he consider the language in the second paragraph of the amendment. It would be helpful to us if we had printed texts. The language states:

Whenever any information, copyright, use, process, patent, or development resulting from any such research or development activity conducted in whole or in part with appropriated funds.

That means that if there is \$100,000 spent by the researcher and \$100,000 by the Government, the whole amount would have to be mandatorily disclosed to everyone—to the public—regardless of the contribution of the private researcher, regardless of security considerations, or anything else. That is the plain language contained in the first paragraph of the amendment.

Mr. LONG of Louisiana. Mr. President, the Senator has not read the rest of that section. If there is any question about who has the rights stated, the Attorney General can go into court. The reason for that section is so that, for example, he can subpoena someone in New Jersey to come to Louisiana, if need be, in order to testify to what he knows about a situation. Otherwise, difficulty in subpoenaing witnesses might be encountered. The controlling section is the one prior to the section to which the Senator referred. That section would put teeth into the provision. There might be witnesses in New Jersey, Illinois, California, or other States. The provision would give the Attorney General the right to go into court and determine who possesses the rights, so that the Attorney General could subpoena a witness to come from, let us say, New Jersey to Louisiana in order to testify.

The procedural provisions are modeled after section 5 of the Sherman Act and section 15 of the Clayton Act. So the Attorney General, in trying to handle antitrust matters—and this is parallel to

that situation—can send his witnesses from one place to another to testify to the facts. That is all that is sought to be done.

Mr. HRUSKA. Is any consideration given, in the first paragraph of the amendment, to matters which would enter the security field? Many research contracts are executed in the research field and might involve security. Is there some safeguard?

Mr. LONG of Louisiana. We are talking about water pollution. Can the Senator from Nebraska tell me what security item is involved in water pollution? What is there about cleaning up water that is secret?

Mr. HRUSKA. I do not know.

Mr. LONG of Louisiana. I have seen the old red herring dragged out on many occasions. But when Senators talk about cleaning up sewers, I do not see what that has to do with the national defense, except that cleaning up the water enables people to be healthier; and I do not know what is wrong with letting the Russians know about that.

Incidentally, the Russians invented a sleep machine. By putting electrodes over the eyes, a person can go to sleep. It might be useful when one has experienced a frustrating session in the U.S. Senate. I am told that 2 hours of sleep under that machine is the equivalent of as much as 6 hours of natural sleep. The Russians obtained a patent on it, but did not raise a security question. So what is secret about how we clean up sewers? That is absolutely beyond me.

Mr. ERVIN. Mr. President, will the Senator from Louisiana yield for a question?

Mr. LONG of Louisiana. I yield.

Mr. ERVIN. Paragraph (3) starting on page 2 of the committee report, asserts that the bill authorizes among other things:

Research and development grants in the amount of 50 percent of the estimated reasonable cost of projects which will demonstrate new or improved methods of controlling the discharge into any waters of untreated or inadequately treated sewage or other wastes from sewers which carry storm water or both storm water and sewage or other waste. Authorize appropriations of \$20 million for the fiscal year ending June 30, 1965, and for each of the next 3 succeeding fiscal years for the purpose of making demonstration grants. A grant for any single project shall not exceed 5 percent of the total amount authorized for any 1 fiscal year.

If that is a correct analysis of the provisions of the bill, the bill contemplates that local governmental subdivisions and others will contribute at least 50 percent of the money for all the research projects in this area. Despite the great veneration the Senator from North Carolina has for his leader, the Senator from Louisiana, the Senator from North Carolina cannot conceive that it is fair to expect local subdivisions of government and others to put up at least 50 percent of the cost of research projects and then allow the exclusive rights to the patents on them to be given to the Federal Government, which puts up only 50 percent or less.

Mr. LONG of Louisiana. This section does not say anything about "50 per-

cent." I do not see anything about "50 percent" in this section. I am seeking to amend section 6.

Mr. ERVIN. Does not the Senator's amendment apply to the entire bill?

Mr. LONG of Louisiana. Let us look at the other side of the picture. Suppose a grant were given to Podunk, La., to conduct research, and that Podunk put up some money. Suppose it signed a contract that provided that when the contractor conducted research, he would be entitled to a private patent. Then suppose the contractor developed something good. He has the privilege of saying, "I found it. I found it first with your money." He would get the benefit of the law that would deny the Government the benefit for 17 years. He could say, "It is a fine thing, but I am not going to let anyone use it because I have the patent rights on it." He would have the right to license anybody to use it, if he wanted to.

Does not the Senator from North Carolina have some qualms about allowing \$20 million of Government money to be used and not permitting the public the use of the benefits?

Mr. ERVIN. The purpose of the bill is to encourage local subdivisions of government, and even private individuals and private industry interested in ridding our waters of pollution, to participate in the program to the extent of putting up at least 50 percent of the cost of research projects. In my judgment, the proposal of the Senator from Louisiana would discourage local subdivisions of government and private individuals and private industry to participate in the program if we say they will have to put up at least 50 percent, while the Federal Government would take all the benefits from the research.

Furthermore, there are many people with brains who have spent many years of study and research in the purification of water and the elimination of pollution from the streams of this country. The Senator's amendment would discourage those people from contributing their brains to research projects in this field, if there is written upon our law books a statute that the Federal Government would take the benefit of not only the part the research funds put up by the Federal Government and private individuals and private industry, but also the benefit of the brains of those people. Merely because the Federal Government contributes a portion of the cost, the amendment clearly contemplates that the Federal Government will take everything, so far as any discovery is concerned.

I favor the principle that the Senator is seeking to implement with his proposal, but I believe what has been said emphasizes the fact that this question ought to be dealt with by the Subcommittee on Patents of the Committee on the Judiciary in connection with an overall bill, where all possible arguments can be weighed according to their worth and value and where all interested officials and communities and individuals can be heard.

While I would support the Senator's amendment if it were restricted to instances where the Federal Government

puts up all the money, I am unwilling to have the Federal Government require other States, municipalities, private individuals, and private industry to put up at least 50 percent of the money for research and then allow the Federal Government to take as its exclusive possession everything that is discovered.

The Senator's proposal ought not to be offered as an amendment to this bill, but ought to be considered by the appropriate committee, so that a general policy might be adopted. If the Senator's amendment comes to a vote as an amendment to this bill without any committee consideration, I shall have to vote against the amendment. The Senator's idea is a good one, but it ought to be carefully considered, and all objections should be weighed.

I thank the Senator from Louisiana.

Mr. LONG of Louisiana. I went before a subcommittee. I do not know whether I went before the proper subcommittee, but I went before some subcommittee of the Committee on the Judiciary 3 years ago—in 1961. I went to great efforts to explain my proposal, but nothing happened. That being the case, I felt that the committee would not report the bill. I decided that if it would not report the bill, I would offer an amendment on the floor of the Senate. That is what I have been doing for the past 3 years. If any Senator does not know by now how to get a committee to consider a research proposal, he ought to offer an amendment on the floor of the Senate.

Repeatedly, the managers of bills have offered to take my amendments and support them, and do what they could with them. That is what the manager of this bill has offered to do in this instance.

If the Senator from North Carolina wishes to invoke the procedure of a yeand-nay vote, that is all right; we will then see how the Senate stands.

My proposal does not seek to have the Federal Government take anything away from anybody. It merely provides that if the Federal Government contributes \$20 million, whether a city or a State contributes anything or not, the benefits should all be freely available to every city, State, and municipality, so that they can all have the benefit of the \$20 million to eliminate sewage pollution.

If a different procedure is followed, we shall be opening up the prospect of what I have just described. The General Accounting Office or some other agency will discover something that has been done improperly.

In the field of atomic energy, for 4 years that great man, Admiral Rickover, has been saying that the plan I am proposing has been working, and working well. It offers no problem or difficulty. The only trouble is that there are not enough contractors.

I am not saying that there is not someone who might not wish to conduct Government-financed research. That may well be. I salute anyone who does private research. But if such people want Government money, they ought to make the benefits of their research available to the United States.

I challenge anyone to show me where any information has been withheld,

where any chicanery has been involved under the procedure I propose. Admiral Rickover told us on one occasion that the time lawyers take in preparing patent applications means that from the time one discovers something until the time he applies for a patent averages 4 years before a patent application can be filed.

This is information which the public needs for its own benefit, but some individual may be fooling around with papers to tie up the patent, so that no one can get the benefit except the private company.

On the other hand, if we say that the Government shall have the patent rights when the Government pays for the research, the information will circulate much more freely.

Mr. President, I felt that since the manager of the bill offered to take the amendment—which has been done time and time again—if there is going to be any opposition to it, then I suppose we shall have to have a rollcall vote on it, if we cannot agree on a voice vote.

So, I suppose I shall have to suggest the absence of a quorum and ask for the yeas and nays on the amendment.

Mr. JAVITS. Mr. President, will the Senator answer a question before doing that?

Mr. LONG of Louisiana. Yes.

Mr. JAVITS. The Senator stated that the language used was exactly the same as has been used in a number of other laws. I have found an example in the atomic energy law which is relevant to this matter.

Section 152 of the Atomic Energy Act of 1958 reads as follows:

An invention or discovery, useful in the production of utilization of special nuclear material or atomic energy, made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the benefit of the Commission, regardless of whether the contract, subcontract, or arrangement involved the expenditure of funds by the Commission, shall be vested in, and be the property of, the Commission, except that the Commission may waive its claim to any such invention or discovery under such circumstances as the Commission may deem appropriate, consistent with the policy of this section.

There are other examples such as the National Aeronautics and Space Administration Act of 1958 and the National Science Foundation Act of 1950.

I know what the Senator said to NASA Administrator Webb. I, too, as Senator LONG did, sat in on the hearings before the Senate Small Business Committee. But, may I say as a lawyer—and Senator ERVIN has spoken as a lawyer—that the trouble with the amendment is that it is an immediate directive to the public domain.

This may sound appealing. But, it could work out very badly because the race would go to the swift rather than to the just.

The question that I put to my colleague, in view of the questions that are raised, is this: Even if a conference committee is to take the measure and try to do what they can do with it, should not the purpose of the Senate be to have such patents and inventions vested in the Secretary, or whatever operative Govern-

ment agency is under this particular bill, rather than an immediate dedication to the public domain with some of the dangers which I have just spelled out? The financial involvement of the Government in a particular contract is an extremely important factor in a determination of patent rights under a contract, however, it is not the only factor. Whether the contractor has contributed substantial experience, background, and funds on his own and whether the invention would have been a probable result of his acquired skills, experience, and own funds should also be taken into consideration.

Mr. LONG of Louisiana. Mr. President, it is hard to satisfy all Senators. Senator MILLER just got through agreeing that we ought to have more flexibility in the provision. Now the Senator from New York reads a provision which he apparently seems to like, which is a stricter section.

The amendment that I offer is almost identical to the amendment which I offered on the Coal Research Act, which is the law, the Helium Act, which is the law, the saline water bill, which is the law, the disarmament bill, as passed in the Senate, and the mass transit bill as it was passed in the Senate and sent to the House, and the Water Resources Act.

This is what we have voted on time and time again. The section to which the Senator refers is in the Atomic Energy Act. In that case they do not waive background patents. The reason that the act did not waive background patents is that the Government had all the background, anyway. No one else had any. So we did not waive the background patents. In this instance, we have no problem.

I think we have discussed the amendment sufficiently. I ask for the yeas and nays.

Mr. MILLER. Mr. President, I have an amendment at the desk which is an amendment to the Senator's amendment. I would like to have it read, and perhaps we can discuss it. I would appreciate it if the Senator would see fit to accept it. But I would like to have the amendment stated at this time.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. The amendment of Mr. MILLER reads as follows:

Strike out lines 7 and 8, through the period on line 9, and insert in lieu thereof the following: "That the Federal Government's fair and equitable share in the information, copyrights, uses, processes, patents, and other developments resulting from that activity, will be preserved."

Mr. MILLER. Mr. President, the Senators may note that what this does is to change the language which now states that all information, copyrights, uses, patents, and other developments resulting from that activity will be made freely available to the general public.

Instead of saying "all," I have simply said that the Federal Government's fair and equitable share will be preserved in all of these things. I think it is a much more reasonable approach than the approach which the Senator's amendment uses.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. LONG of Louisiana. Mr. President, nobody under the sun would know what that would mean. For example, suppose a contractor has put up 1 percent of the cost, and the Federal Government and the State government have put up the other 99 percent. It could well be construed, from the Senator's amendment, that that fellow, because he has 1 percent of his own money invested, has the right to deny anyone the right to use it.

As the Senator knows, if I have an interest in a business and the Senator has an interest in the same business, both of us must agree in order that the information may be made available for anyone to use it.

The Senator has no answer to the problem. No one under the sun would know what we are talking about here. If we use the Government's money to do the research, and if this is a Government contract, then the information should be free and available, to be used by everyone.

We have had some of these instances in which discretion was allowed to be used.

I submit that I do not know what that means. If we want that amendment, we may just as well vote against my amendment and be done with it.

Mr. MILLER. Mr. President, there are many provisions in bills which have been passed by this body which have used the phrase, "fair and equitable." The people administering the laws are the ones whose discretion we trust in the matter of determining what is fair and equitable.

I would not be quite as sanguine about this as the Senator from Louisiana.

Who else would do it except the administrator? But what would happen under this kind of provision is that it would give the administrator the discretion to sit down and negotiate such things. Certainly, if all of the research funds are going to come from the Federal Government, there will not be any negotiations. It is all going to go to the Federal Government. That is all there is to it. But, if there are very substantial funds to be put up by the private contractor, then this would give discretion to negotiate a fair and equitable share.

I do not know why we should have so much difficulty over this. I think it is a fair amendment. It is certainly infinitely more fair than the one that the Senator has now offered.

I am trying to be helpful. I am not trying to hinder anyone.

Mr. LONG of Louisiana. Mr. President, if the Senator wants to help, he would withdraw his amendment. As far as this Senator is concerned, I would just as soon withdraw my amendment as to have that amendment. We would have happen what happens when an administrator is given discretion. That happened when we gave discretion to the administrator in the Space Agency. What happened? He just signed a paper saying that it is all given away, without taking a second look. And when we give

them discretion, sooner or later they will get an administrator in there who will find it easier to give everything away. I would not be surprised if they do not use pressure on the President to name an administrator who would give it to them.

Nobody has to take Federal money, but if they do take the Federal money, they are told of certain terms and conditions with which they must comply.

When they passed the civil rights bill, against which I voted, they did not say, "Under section 6, because the Federal Government is putting up half of the money, or two-thirds of the money, if you want some of the money, you must integrate one-half or two-thirds, according to the amount of money that is being paid." The bill provides that if the State wants the money, they must comply with certain conditions. No one is going to make us take the Federal money. But, if we do take the Federal money, we must comply, the same as all of the other researchers are made to comply with the law, which states that the information will be freely available for the use and benefit of 180 million people.

I hope the Senator will withdraw his amendment and vote against my amendment so that his position will be clear.

Mr. MILLER. Mr. President, I shall be willing to withdraw my amendment if the Senator from Louisiana is willing to withdraw his amendment. But, his amendment is what generated the whole controversy. I shall be fair about this. The Senator has a point. But he is going too far. I think that the reference to the Civil Rights Act is not at all analogous. Under the Civil Rights Act, it was determined by Congress that as a matter of public policy, if there is a project that is tainted, then the whole project is tainted. But, this is not the same situation that we are talking about here.

The Senator's amendment is, in effect, saying that because one-tenth or one-third or one-half of the money is put up by the Federal Government, therefore all the results must go to the Federal Government. I do not think that is fair.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. MILLER. I yield.

Mr. LONG of Louisiana. Was this amendment prepared by the legislative counsel?

Mr. MILLER. This amendment was prepared by a legislative counsel; namely, myself, here on the floor.

Mr. LONG of Louisiana. But it was not done by the men we employ to do that work. It was not done by the legislative counsel.

Mr. MILLER. How much time did I have to prepare it? I saw this amendment for the first time only 30 minutes ago.

Mr. LONG of Louisiana. Has the Senator discussed his amendment with any of the departments? Has he discussed it with the Department of the Interior?

Mr. MILLER. I have not had any more discussion with them than has the Senator from Louisiana.

Mr. LONG of Louisiana. I have discussed my amendment with those who will have to administer it. The Senator from Iowa offers his amendment when he has not discussed it even with his own legislative counsel and says this is what I would like to have adopted, when he does not know what will be the effect of the amendment. The one I have offered is one that the departments understand. This is the one that every department which would be handling this section of the bill is familiar with. There is a similar section of the law which the departments are complying with now. They advise that this is the way to do it.

The amendment of the Senator from Iowa would do nothing but completely confuse the matter and destroy the whole purpose of the measure, and he offers it on the floor at this time.

If he insists on having it voted on, we can do it, but it is my judgment that when the people of this country spend the money for research, they should have the benefits of it. I think we should vote on that issue one way or the other.

Mr. MILLER. I hope we are not getting ourselves into a position of deciding the merits of an issue on the basis of who drew the amendment or how little time there was or when it was drawn. Let us look at the merits of the proposed legislation. I am not the only one who has drafted amendments. The Senator from Louisiana has. I guess every other Senator has. It would not have been necessary if the Senator from Louisiana's amendment had not suddenly popped up on the floor with no copies available for Senators to read. I am trying to do the best I can under the circumstances. I am not trying to hurt the amendment of the Senator from Louisiana. I am trying to do what is fair. I think my concept of what is fair and the Senator's concept of what is fair do not coincide, but I am sure we are both sincere.

Mr. President, I move the adoption of my amendment to the amendment.

Mr. ERVIN. Mr. President, the objective of the bill is to create a great cooperative effort among the Federal Government and local governments and private industry to clean up the streams of America; and nothing should be put in this bill which has a tendency, or which could possibly have a tendency, to defeat the objective of the bill, which is to create a cooperative effort.

I feel that the amendment offered by the able and distinguished junior Senator from Louisiana would have a tendency to defeat the objective of the bill. The amendment offered by the Senator from Louisiana would properly fit a program in which the Federal Government puts up all the money for research. But it does not fit this particular bill, because under the bill the Federal Government is not to put up more than 50 percent of the money for research. At least 50 percent of it is to be put up by local governments and by private industry or private individuals. To put such an amendment in this bill, without any more consideration than we are able to give to it, on the Senate floor and without any more analysis than we are able

to make on the Senate floor as to the effect of the amendment on the purpose of this bill, would be a tragic mistake.

We have delayed too long already one of the most important tasks which confront the American people, and that is the removal of pollution from the streams of this country.

Certainly it is not just, it is not fair, for the Congress of the United States to say to the States, to municipalities, to private industry, and to private individuals that the Federal Government is going to take all of the benefits of any discoveries made in the course of carrying out this cooperative program.

I do not know what effect the amendment of the Senator from Louisiana would have on this program, but I think it might possibly have a disastrous effect. Certainly, we should pass the bill in such a form as will enlist the cooperation of the States and local subdivisions of the States and the private individuals and industries who will have to put up at least 50 percent of the cost of the research.

Certainly, it would do no harm to pass the bill in its present form—and it is in excellent shape—and let the amendment offered by the Senator from Louisiana be studied by the appropriate committee to see what its effect might be, and to give all who are interested in this matter an opportunity to be heard by the committee before action such as this, is taken. Surely the greatest deliberative body in the world ought not to act on the spur of the moment, without previous committee consideration and without Senators even having copies of the amendment to read with their own eyes for the purpose of making an analysis of it.

The amendment is appropriate in the saline water bill, because there the Federal Government puts up all the money. It would undoubtedly fit some other programs in which the Federal Government puts up all the money. But it is not only drawn for a program which requires at least 50 percent of the money for research projects to be put up by States or local subdivisions of States or private industry or individuals.

Let us not, in a moment of haste and impatience, jeopardize not only the passage of a bill which is very meritorious, but also jeopardize its possible efficacy to perform the task for which it is designed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa [Mr. MILLER] to the amendment of the Senator from Louisiana [Mr. LONG].

Mr. LONG of Louisiana. Mr. President, the point has been made here that this proposal has been brought up on the floor by whim or caprice or without study. The committee had 2 days to work on the bill. The Interior and Insular Affairs Committee has handled similar bills and studied the same proposal. The department which already handles such matters is already bound by the same language contained in the amendment. The Senate has voted on this question time and time again. It has voted not to give away to a private

contractor the benefits of Federal research money.

The Senator made the point that cities and counties will be contributing money. If my amendment is not adopted, we shall be opening the door to letting a city take Federal money, do the research, find a way to clean up sewage more effectively than at present, and then be able to deny to 180 million people the benefit of that process for 17 long years—deny it to the people who paid for that research with their own money.

Mr. President, it is inconceivable that we would let that happen. I am reminded of Ogden Nash's poem that "Rape is a crime unless you rape the voters a million at a time."

It is proposed to give up the taxpayers' money to a private contractor and permit the contractor to say to a little mayor: "Mr. Mayor, I was your best campaign contributor. I put up half your campaign money. But you have the money around this contract drawn up so that if I discover something, whether it affects the cleaning up of sewage or anything else, I get the benefit of all of it, I can charge the public a fortune for the 17 years and make a million dollars, and no one can say anything to me regarding the contract."

The Senator from Illinois [Mr. DOUGLAS] has just informed me that Chicago has developed the best method yet devised for cleaning up sewage, and that the city would be "tickled pink" if everyone in America could have the benefit of that method.

If Chicago is willing to do that, to make its discoveries available to the world, why should any other city wish to take Federal money and give it to a private contractor who could deny the public the benefit of it?

Mr. President, I should like to ask for the yeas and nays—

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. MILLER] to the amendment of the Senator from Louisiana [Mr. LONG]. The amendment to the amendment will be disposed of before the Long amendment is voted on.

The question is on agreeing to the amendment of the Senator from Iowa to the amendment of the Senator from Louisiana.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the amendment offered by the Senator from Louisiana [Mr. LONG].

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, I should like to speak for approximately 1 minute.

I believe that one of the analyses referred to in the bill is on page 5, lines 3 to 10 which provides:

There are hereby authorized to be appropriated for the fiscal year ending June 30, 1965, and for each of the next three succeeding fiscal years, the sum of \$20,000,000 per fiscal year for the purpose of making grants under this section. Sums so appropriated shall remain available until expended.

I especially invite the attention of the Senate to this part:

No grant shall be made for any project in an amount exceeding 5 per centum of the total amount authorized by this section in any one fiscal year.

It will therefore be a small amount of money that the Federal Government will contribute to each project. Yet, we are about to vote on an amendment to discourage other people from participating in a program which would require them to put up the overwhelming bulk of the money for each project.

Mr. MILLER. Mr. President, I do not wish to delay Senators any longer than is necessary, but I understand that the distinguished Senator from Massachusetts [Mr. SALTONSTALL] wishes to say something on this question and that he is expected here momentarily.

Therefore, Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SALTONSTALL. Mr. President, I thank Senators for holding this matter up for a few moments. I shall not now make a speech on the patent bill. I have introduced a bill which is now pending before the Committee on the Judiciary. The Senator from Arkansas [Mr. McCLELLAN] had a bill filed a year ago. The Senator from Arkansas told us that he would give hearings on these bills at the last session, but he was unable to do so because of press of business.

Certainly a patent bill, a law to change the rights of individual patentees, should not be considered without very careful consideration and thoughtful hearings.

At the present time, there is one method used by the Defense Department with relation to the rights of the Government. There is also one method used at NASA, where many patents are pending.

I sincerely hope that no amendment on patents to this bill will be adopted at this time. It should be carefully considered by the Subcommittee on the Judiciary which was appointed last year to study this subject, and will be appointed again.

Mr. MANSFIELD. Mr. President, I hope that the Long amendment will be adopted. It has been adopted many times before. It is a necessary safeguard until the distinguished chairman and his Committee on the Judiciary, the Senator from Arkansas [Mr. McCLELLAN], reports a bill.

I am certain he intends to do this as expeditiously as possible so that this matter can be settled on an overall basis, rather than on a bill-by-bill basis as has been the case up to this time.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Louisiana [Mr. LONG]. The yeas and nays have been ordered—

Mr. McCLELLAN. Mr. President, I wish to make one observation. Bills on this subject were before the Senate in the previous year. We have one this year for general revision of the patent law.

It is being included along with other important proposed legislation.

In the previous year, of course, as all Senators remember, we found it difficult to hold committee hearings because of the long debate which occurred on the civil rights bill, at which time we were unable to hold hearings.

The bills have been reintroduced this year, and we expected to hold hearings and hope to report some well-recommended legislation.

I cannot give anyone assurance as to what that proposed legislation will be, or as to what the provisions of the bill will contain. This year, however, we hope to hold hearings and to report a bill covering not only this aspect of reforms in the patent laws, but also other important aspects.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Louisiana [Mr. LONG]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from Montana [Mr. METCALF], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], and the Senator from Georgia [Mr. TALMADGE] are absent on official business.

I also announce that the Senator from Washington [Mr. MAGNUSON] and the Senator from South Dakota [Mr. McGOVERN] are absent because of illness.

I further announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from South Carolina [Mr. JOHNSTON], the Senator from New York [Mr. KENNEDY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. MOSS], and the Senator from Connecticut [Mr. RIBICOFF] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. GRUENING], the Senator from New York [Mr. KENNEDY], the Senator from South Dakota [Mr. McGOVERN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. MOSS], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Florida [Mr. SMATHERS] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Kansas [Mr. CARLSON], the Senator from Idaho [Mr. JORDAN], and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

The Senator from Kansas [Mr. PEARSON] and the Senator from South Carolina [Mr. THURMOND] are absent on official business.

The Senator from Delaware [Mr. WILLIAMS] is detained on official business.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Kansas [Mr. CARLSON], the Senator from Idaho [Mr. JORDAN], the Senator from Kansas [Mr. PEARSON], the Senator from Vermont [Mr. PROUTY], the Senator from South Carolina [Mr. THURMOND], and the Senator from Dela-

ware [Mr. WILLIAMS] would each vote "nay."

The result was announced—yeas 50, nays 28, as follows:

[No. 8 Leg.]

YEAS—50

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|--------------|----------------|----------------|
| Anderson | Hart | Morse |
| Bartlett | Hartke | Muskie |
| Bass | Hayden | Nelson |
| Bayh | Hill | Neuberger |
| Bible | Inouye | Pastore |
| Brewster | Jackson | Pell |
| Burdick | Kennedy, Mass. | Proxmire |
| Byrd, W. Va. | Lausche | Randolph |
| Cannon | Long, Mo. | Robertson |
| Church | Long, La. | Sparkman |
| Clark | Mansfield | Stennis |
| Dodd | McCarthy | Symington |
| Douglas | McGee | Tydings |
| Ellender | McIntyre | Williams, N.J. |
| Fong | McNamara | Yarborough |
| Gore | Mondale | Young, Ohio |
| Harris | Montoya | |

NAYS—28

| | | |
|----------|--------------|----------------|
| Aiken | Fannin | Mundt |
| Bennett | Hickenlooper | Murphy |
| Boggs | Holland | Saltonstall |
| Case | Hruska | Scott |
| Cooper | Javits | Simpson |
| Colton | Jordan, N.C. | Smith |
| Curtis | Kuchel | Tower |
| Dirksen | McClellan | Young, N. Dak. |
| Dominick | Miller | |
| Ervin | Morton | |

NOT VOTING—22

| | | |
|---------------|---------------|----------------|
| Allott | Kennedy, N.Y. | Ribicoff |
| Byrd, Va. | Magnuson | Russell |
| Carlson | McGovern | Smathers |
| Eastland | Metcalf | Talmadge |
| Fulbright | Monroney | Thurmond |
| Gruening | Moss | Williams, Del. |
| Johnston | Pearson | |
| Jordan, Idaho | Prouty | |

So the amendment of Mr. LONG of Louisiana was agreed to.

Mr. JAVITS. Mr. President, on behalf of myself and my colleague from New York [Mr. KENNEDY], I send to the desk amendment No. 4, and ask that it be stated.

The VICE PRESIDENT. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that the amendment be not read, but printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 5, beginning with line 11, strike out all through line 17, and insert in lieu thereof the following:

"SEC. 4. (a) Subsections (b) and (c) of the section of the Federal Water Pollution Control Act herein redesignated as section 8 are amended to read as follows:

"(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary and unless such project is included in a comprehensive program developed pursuant to this Act; (2) no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Secretary: *Provided*, That the grantee agrees to pay the remaining cost: *Provided further*, That in the case of a project which will serve more than one municipality the Secretary shall, on such basis as he determines to be reasonable and equitable, allocate to each municipality to be served by such project its share of the estimated

reasonable cost of such project, and shall then apply the limitation provided in this clause (2) to each such share as if it were a separate project to determine the maximum amount of any grant which could be made under this section with respect to each such share; (3) no grant shall be made for any project under this section until the applicant has made provision satisfactory to the Secretary for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; and (4) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 7 and has been certified by the State water pollution control agency (A) as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs, or (B) for reimbursement pursuant to subsection (c).

"(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) for any fiscal year shall be allotted by the Secretary from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the urban population of each State bears to the urban population of all the States. Sums allotted to a State under the preceding sentence which are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b) (1) of this section and certified under subsection (b) (4) of this section, shall be reallocated by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made because of lack of funds: *Provided, however*, That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State by reallocation under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second and third sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section, except that in the case of any project constructed in such State after the date of enactment of the Water Quality Act of 1964 which meets the requirements for assistance under this section but was constructed without such assistance, such allotments shall also be available for payments in

reimbursement of State or local funds used for such project to the extent that assistance could have been provided under this section if such project had been approved pursuant to this section and funds available. For purposes of this section, population, including urban population, shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce."

"(b) Subsection (d) of such section 8 is amended by striking out the colon preceding the word 'Provided' and all after such colon to the period at the end of such subsection."

Mr. JAVITS. Mr. President, if Senators will give me their attention for a moment, I shall explain the amendment.

Mr. President, my amendment would:

First. Eliminate the existing limitation of \$600,000 for a single project or \$2.4 million for a joint project involving several communities on grants for construction of waste treatment facilities. It would also authorize an across-the-board Federal contribution of 30 percent of the cost of constructing these facilities.

Second. Eliminate the existing requirement that half of all construction grant funds be used for municipalities of 125,000 people or less.

Third. Establish a more meaningful standard for the allocation of funds for construction of sewage treatment facilities in urban areas of need. The amendment would set up a standard based on the ratio of the urban population in one State to the urban population in all States, replacing the existing criterion based on per capita income. Such a standard would bring about a more equitable distribution of funds to highly populated areas where major water pollution problems exist.

Fourth. Authorize the Federal Government to subsequently reimburse States and municipalities that have spent their own funds for treatment facilities when a Federal construction grant, which has been approved, cannot be immediately allocated because of inadequate Federal funds.

I point out that this proposed new allocation standard is different from the present law, which makes 50 percent available on the basis of population ratio and 50 percent available on the per capita income ratio.

Mr. President, the reason for making these proposals is as follows:

The primary problems in water pollution in the United States are in areas of large concentrations of people. I understand the normal feeling of the Congress with respect to favoring the small places and the places of sparser population. But unfortunately that it not where the major problems reside. As the dangers of pollution exist far more pressingly in centers of population than they do in the less populated areas, it seems most ill advised—and experience has demonstrated it—to require mandatorily in the law, first, a distribution of the funds which does not bear a relation to the concentration of the problem and the need for Federal assistance, and secondly dollar limitations on individual projects which limitations inhibit some of the largest and most meaningful proj-

ects that could be undertaken in the United States.

For example, my State of New York is prepared to undertake a \$1 billion program, provided that certain limitations are removed, so that the Federal Government may contribute a straight 30 percent share, which in round figures would be approximately \$513 million.

Therefore the amendment would be a meaningful contribution to the overall results which this bill, if enacted, could bring about. Yet efforts like New York's and those of many other States are inhibited by the restrictions which are imposed by the dollar limitations incorporated in the existing Federal law, and which prevent these States from shooting at the target, which is where the water is polluted; namely, in heavily populated areas.

A single pollution control project in the city of New York has cost \$87.6 million. So we cannot even begin to think about meaningful attacks on the problem within the limitations of the present law.

However we may feel—and, as I have said, I know the normal feeling which generally obtains; some Senators wish to be sure that the smaller communities get their share—the fact is that on this question we would not be hitting at the complete problem.

I support the increase of the dollar limitations in this bill. But more can be done. Governor Rockefeller has pointed out the enormous scale of works which can be undertaken in our State if we are enabled to do it by a law which really directs itself at the fundamental target which is involved.

I realize that the proposal represents a very major and a very important orientation of the impact of the bill. So I have discussed the subject with the distinguished Senator in charge of the bill, and I hope very much that he will give us assurances that the subject will have the kind of detailed and earnest consideration and hearings by his subcommittee, within a very short time, which this matter deserves, now that we have brought the matter so sharply to the attention of the Senate and the country.

Mr. MUSKIE. Mr. President, speaking for myself, and I believe for the other members of the subcommittee on both sides, we have assigned to the problem which the Senator has raised the highest possible priority. We intend to hold hearings during this session, and early enough so that we can get into thorough hearings on the question of the adequacy of the limitation on individual projects, on the allocations to the States, and on the overall authorization. What we are talking about, as I understand the Senator, is not only the question of how the present pie shall be divided, but how can we get a bigger pie to assure that we deal with the whole problem adequately.

The problems include not only those stated by the Senator, toward which I have the utmost sympathy, but also the problems related to the smaller communities in the cost of the projects. For example, sewers are not eligible at all.

Many times the cost of sewers is greater than the cost of the sewage treatment plant itself. The whole question of Federal aid in dealing with this problem financially is pertinent. I assure the Senator that I share with him the propriety and urgency that he has, and will press for early meetings. And I believe I am in a position to assure him that we will have such prompt hearings.

Mr. JAVITS. Is there any inhibition—sometimes it is a kind of unwritten rule which is understood—that the pending legislation (S. 4) is the only legislation that there will be in the anti-water-pollution field at the present session? Do we face any such inhibition, or is the committee virtually free to do whatever it, in its best judgment, deems desirable to be done with respect to this important program, notwithstanding the fact that we are now about to enact a set of amendments to the existing water pollution control law?

Mr. MUSKIE. I cannot, of course, speak for the attitude of the other body or even the administration. The Senator understands that. But so far as the committee is concerned, the question is one of the highest priority. When we began hearings on S. 649, the present fiscal authorization was only 2 years old. So we had not had the experience to justify attempting that problem when we began.

The bill (S. 4) is merely a reintroduction of S. 649 in the form that it took.

We are now in the 4th year of that program. I think it is time that we should get into the questions which the Senator has raised. As the Senator knows, we have progressively increased the ceilings from \$50,000 in the original bill to \$600,000 in the 1961 amendments, and to \$1 million in S. 4. Ten percent incentive for metropolitan areas would give an effective ceiling of \$1.1 million, and on combined projects, \$1.4 million. So I believe we have made a gesture in S. 4 that should give relief.

For example, in New York, the increase of \$600,000 to the \$1 million limit would have brought 17 of New York's projects up to the 30 percent ceiling if those ceilings had been in effect when application was made for assistance for those projects. So this has a meaningful relationship; but I believe we must open up the whole question and come forth with a meaningful answer. I assure the Senator from New York of my cooperation.

Mr. JAVITS. I thank the Senator from Maine. As it is very clear to me that this is an effective way to resolve the question in terms of getting the most mileage for the problems which our State has, on the basis of these assurances which the Senator from Maine has so graciously given us, I withdraw the amendment.

The VICE PRESIDENT. Does the Senator from New York withdraw his amendment?

Mr. JAVITS. I do.

THE BALANCE OF PAYMENTS PROBLEMS

Mr. GORE. Mr. President, for several years, responsible Government officials,

Members of Congress, bankers, and business leaders have been concerned about our apparent inability, if not unwillingness, to solve our balance of payments problem.

Some have feared that American industry was no longer able to compete in the markets of the world, and have talked and acted as though U.S. commodities had, as it was so often put, "priced themselves out of world markets." This, of course, has always been sheer nonsense, and I, for one, have always said so.

We have continued to have, and still have, a substantial surplus of exports over imports. Indeed, we are the only industrialized nation able to make this boast, if boasting it is.

For reasons of national security, we have continued a foreign-aid program. This necessarily contributes to our balance of payments problem. We cannot, solely on that account, terminate foreign aid.

Our military commitments around the world have added to our woes. Here, too, good and sufficient reasons exist—or at least are adjudged to exist by those who make policy in this area—for continuing to back our global responsibilities with reasonable military commitments. We can hardly do otherwise so long as the responsibilities are assumed.

Tourist expenditures, also, have added to the outflow of dollars and gold. We have placed restrictions on the amount of duty-free purchases our people can make abroad, but have not felt it in keeping with our philosophy of individual freedom of movement to impose bars to travel abroad.

The area, then, which remains troublesome, and about which we can do something without damage to ourselves or to our friends abroad, is the outflow of private capital.

It had been hoped that 1964 would see a dramatic improvement in the balance of payments. That improvement apparently did not take place to the degree expected. Our deficit was reduced from about \$3.3 billion on regular transactions in 1963 to about \$2.5 billion in 1964.

But in the troublesome area of private capital flows, there was a serious worsening.

The official figures are not yet published, but from presently available information it would appear that the total outflow of private capital actually increased from some \$4.3 billion in 1963 to approximately \$6 billion in 1964. And the fourth quarter of 1964 approached disastrous proportions.

Last year the Congress enacted the Interest Equalization Tax Act which was designed to slow down to bearable proportions the outflow of capital. But two large loopholes were purposely left in the act. I refer to the exemption for Canadian transactions and the exemption for bank loans.

I fought hard to close off the loophole for bank loans. I foresaw, as all Senators who gave serious thought to this matter in the light of ordinary human acquisitiveness surely also must have foreseen that many securities transactions would be shifted to bank loans.

Here again, statistics will bear this out. Although the figures are not yet fully analyzed, I think they will show that long-term loans by banks to foreigners increased from some \$585 million in 1963 to over \$1 billion in 1964.

To those who felt—and I include Secretary of the Treasury Douglas Dillon—that the banks would “play ball,” I must say that human nature has once again prevailed.

The only way to bring the big banks into conformity with the national interest in this regard is to require it by law.

Fortunately, the Congress did last year adopt an amendment to the Interest Equalization Tax Act, which I offered, which vested in the President standby authority to invoke the terms of the act so as to apply them to certain bank loans.

The time has now come—indeed it is long overdue—to invoke this standby authority. Congress granted this authority for use in case it should be needed. I call on the President to do this without further delay.

William Jennings Bryan long ago inveighed against crucifying mankind upon a cross of gold. I say that we must not sacrifice our entire domestic economy for the benefit of a few international bankers and “hot money” artists, who put personal and corporate gain above the common good.

Mr. President, I hope the President will immediately call into play the provisions of the Interest Equalization Tax Act as it applies to bank loans to foreigners. I understand that such a course of action is now under consideration. I hope so, and I hope the action will be taken quickly.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. GORE. I yield to the senior Senator from Illinois.

Mr. DOUGLAS. I serve on the Committee on Finance with the distinguished Senator from Tennessee. I can say that what he has narrated is the absolute truth. He has pointed out the danger that the interest-equalization tax on foreign bonds could be circumvented by short-time loans and long-time loans to banks in foreign countries, which would then make the loans. He stressed this point accurately and fully. He made a magnificent fight for it. I was happy to play a minor part in supporting him. I regret that the proposal was not adopted.

Mr. GORE. It was adopted.

Mr. DOUGLAS. Not as a mandatory feature, but as a standby power. I, too, hope that these powers and responsibilities may be assumed by the administration.

Mr. GORE. I thank my distinguished and able friend for his most generous remarks. I am proud that the Senate foresaw this danger and acted. Fortunately, the House, in conference, was persuaded to agree with the Senate, and the President signed the bill. The act is now available to the United States as a weapon in times of international economic emergency. I believe and hope that it will now be used.

Mr. ROBERTSON. Mr. President, I share the pride expressed by the Senator

from Tennessee that we have the largest balance of trade of any nation in the world. I believe that last year it amounted to \$6 billion.

Unfortunately, I do not share his conclusions that none of the money that we loaned abroad came back to us and was for our good. How did nations abroad buy \$6 billion worth of goods from us more than they sold to us, if we did not lend them any money?

I am glad that the Senator's committee will go into that. The Committee on Banking and Currency will have its hands full with another phase of the balance-of-payments problem. We shall apply what I call an aspirin tablet to sort of ease the pain and take off part of the gold coverage.

The distinguished senior Senator from Illinois [Mr. DOUGLAS] wants to take it all off. But the disease will still be there, because we are sending abroad in foreign aid, military expenditures, and what not, more dollars than we are getting back in goods.

But when the Senator from Tennessee starts his hearings to cut off all of these loans, he will receive testimony from at least one big New York bank that between 80 and 90 percent of those loans to foreigners has come back to us in orders for goods.

We must figure out how much we are going to cut the trade. We cannot have it both ways. We cannot vote a \$6 billion surplus in what they are buying from us and then cut off what they are going to buy with.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. GORE. The Senator may have misunderstood my remarks.

I was not in any sense referring to loans by the Export-Import Bank. I was in no sense referring to that category of loans. I am referring to investment of capital abroad, which is accomplished through commercial bank loans. The problem was thoroughly debated a year ago. Fortunately, Congress acted. I am only asking now that the President invoke the standby authority which Congress has already vested in him to meet the kind of situation that now prevails.

Mr. ROBERTSON. I was referring to the commercial loans, not the loans to the Export-Import Bank. The commercial loans are coming back to us. I know of at least one big bank in New York that claims that a large percentage of those loans has come back to us in orders for goods.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. GORE. I have not talked with representatives of a big bank in New York. But I do know that the provision which I offered last year, which the Senate agreed to, which Congress adopted, which the President signed into law, and which I now ask him to invoke, provided a specific exemption to export-related loans, so that my distinguished friend has misconstrued the situation.

Mr. ROBERTSON. We cannot settle it tonight. Really, it did not have any urgent place in the discussion of this matter.

Mr. JAVITS subsequently said: Mr. President, I shall be brief. To ask Senators to restrain themselves and then to drop a bomb on the floor and ask them to let it lie because it is too late in the day is asking too much. The Senator has referred to the President and the Secretary of the Treasury immediately invoking the powers of the Gore amendment.

I say the President would be unwise and it would be mischievous on the American economy to do so without at least having hearings by the Finance Committee. This country is a great giant, which sustains the world's economy. Fifty percent of the world's productive capacity is here. When a rope is tied on a giant, he is going to burst out in another direction. If too much pressure is put on him, he will break through and take the roof with him.

I hope the President and the Secretary of the Treasury will stop, look, and listen before they jump on this one.

Mr. CLARK. Mr. President—

Mr. KUCHEL. Mr. President, will the Senator from Pennsylvania yield, so that there may be a third reading of the pending bill, on the way to final passage?

Mr. CLARK. Mr. President, I ask unanimous consent that I may yield for the purpose of third reading, without losing my right to the floor.

WATER QUALITY ACT OF 1965

The Senate resumed the consideration of the bill S. 4, to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishing of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes.

The VICE PRESIDENT. If there be no further amendment to be offered, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read a third time.

Mr. CLARK. Mr. President, may I say that the proceedings of the past 20 minutes make it abundantly clear that we need a more rigorous rule of germaneness in this Chamber than at present. Many Senators are sitting around, waiting to go home. I have already missed two airplanes, and I am about to miss a third plane. The entire matter that has been under discussion has had nothing to do with the bill.

I would like to ask the Senator from Maine a question which is pertinent to the bill.

Mr. MUSKIE. I should be glad to answer it.

Mr. CLARK. The Senator knows that one of the witnesses who appeared before the committee was Mr. James Wright, executive director of the Delaware River Basin Commission. Mr. Wright requested the committee to insert a provision in the bill to make it clear that the Secretary of Health, Edu-

cation, and Welfare was not authorized to promulgate standards applicable within a river basin which is under the jurisdiction of a Federal-interstate agency created by a compact to which the United States is a signatory party and vested with the authority to set and enforce water quality standards for such basin.

The proposed amendment appears on page 90 of the hearings. Mr. Wright gave four rather cogent reasons as to why that amendment should be adopted. The committee, in its wisdom, declined to adopt that amendment. However, in the report—and it appears on page 10—the statement is made:

Where the Congress has established multi-State compacts such as the Delaware River Basin compact with authority to establish standards of water quality it is not the intent of the committee that the Secretary's authority supplant that of the compact commission. Rather the authority in this measure to set standards should be held in reserve, for use only if the commission fails in its responsibilities.

I ask the Senator from Maine whether it is not clear, and can we not make it clear as a matter of legislative history, that the Interstate-Federal Delaware River Basin Commission, created pursuant to an interstate compact, in which the four States of New York, New Jersey, Pennsylvania, and Delaware joined, is free under this act, as it was before, to move ahead with all the authority given it by the interstate compact, to set its own standards?

Mr. MUSKIE. The Senator is correct.

Mr. CLARK. May I ask also whether the only way in which the bill would affect that authority would be if, in the opinion of the Secretary of Health, Education, and Welfare, the Delaware River Basin Commission was derelict in its duties in setting standards, then the Secretary of Health, Education, and Welfare could, under this bill, move in and set his own standards?

Mr. MUSKIE. The Senator is correct.

Mr. CLARK. Mr. President, the Delaware River Basin Commission serves the Department of the Interior of the Federal Government. I wonder whether the Senator would take any exception to my comment that it would be an unusual case in which the Secretary of Health, Education, and Welfare would intervene to supersede the Secretary of the Interior, representing the Federal Government, or an interstate commission, unless the State members of that commission had gone against the strong desires of the Secretary of the Interior?

Mr. MUSKIE. I think it is a fair comment. I think it would be useful also for me to say that throughout S. 4, as in the Federal Water Pollution Control Act, there is a clear intention that primary responsibility for dealing with the problem shall rest at the State and local level, and that the purpose of the bill is to provide incentive, proper safeguards, and protection, and to stimulate action in this field, so that agencies, like the Chesapeake Bay Agency, are clearly vested with the primary and fixed responsibility of exercising initiative in this field.

Mr. CLARK. Mr. President, there is no intention to have the Federal Government, acting through the Secretary of Health, Education, and Welfare, supersede the existing State and Federal agency, created by Congress.

Mr. MUSKIE. No.

THE BALANCE-OF-PAYMENTS PROBLEM

Mr. GORE. Mr. President, will the Senator yield? —

Mr. CLARK. I yield. I have the floor, but I think the Senator from Tennessee wants to take exception to what I said.

Mr. GORE. Mr. President, since the distinguished senior Senator from Pennsylvania himself spoke out of context in the current debate, by making reference to Senate rules by way of leveling a criticism at the senior Senator from Tennessee, I do ask him to yield very briefly.

It so happens that the senior Senator from Tennessee thinks there are few problems which face the country and Congress that are of greater importance than the balance of payments and the outflow of capital. In the fourth quarter of 1964 it reached dangerous proportions, if not disastrous proportions.

I believe that it is as much a duty of a Senator to call the attention of the Senate to this problem as it is for the senior Senator from Pennsylvania to catch a plane to some place at 5:30.

I suggest to the Senator that when the time has come that a Senator cannot use 5 minutes to call attention to a problem as serious as the balance of payments problem, which threatens our very position in international economics and the well-being of our domestic economy, without having one of his friends level a barb at him, then I say it is time for the Senator who so deports himself to catch his plane or train.

WATER QUALITY ACT OF 1965

The Senate resumed the consideration of the bill S. 4, to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishing of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes.

Mr. CLARK. Mr. President, in view of the fact that I know practically every Member of the Senate desires to vote and go home, I yield the floor.

The VICE PRESIDENT. The Senator from Ohio is recognized.

Mr. LAUSCHE. Mr. President, I want to pose a question of the Senator from Maine, concerning the thoughts expressed by the Senator from Pennsylvania.

I am sure the Senators from West Virginia and Virginia and all the States in the Ohio River sanitation compact are interested in what the answer of the Senator from Maine will be to my question. The signatories to the Ohio River

sanitation compact are all of the States in the Ohio River Basin. The U.S. Government is also a signatory. That sanitation compact has done an extraordinary job in eliminating pollution in the basin.

Following the thought expressed by the Senator from Pennsylvania, my question is, Will the Ohio Valley sanitation compact be permitted to go forward with the elimination of the problem that is involved in the bill pending before the Senate without interruption from the Secretary of Health, Education, and Welfare except when the compact signatories fail to perform their duty?

Mr. MUSKIE. That is my understanding.

Mr. LAUSCHE. And is the answer of the Senator from Maine to my question identical with the answer given to the Senator from Pennsylvania?

Mr. MUSKIE. The only reservation I make is that I do not know the charter of the Ohio River Basin compact, but if the situation is the same, the answer is the same.

Mr. LAUSCHE. I assume, considering the States involved, the purpose is the same—to create an agency dealing with waters that cross State lines. It is that individual States having no jurisdiction over the waters that are beyond the State lines may create a regional compact.

Mr. MUSKIE. Yes.

Mr. HRUSKA. Mr. President, the Department of Health of the State of Nebraska sent me a copy of a letter dated January 20, 1965, addressed to the Honorable EDMUND S. MUSKIE, chairman of the Special Subcommittee on Air and Water Pollution, and signed by Dr. E. A. Rogers, director of health, in which it is stated that the board is unanimously opposed to S. 4.

I ask unanimous consent that the letter be inserted at the conclusion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, it is my intention to vote against this bill, not only for the reasons expressed so well in the letter, but also because of the fact that the Cooper amendment was rejected by the Senate, which is highly essential to a meaningful and wise bill.

STATE OF NEBRASKA,

DEPARTMENT OF HEALTH,

Lincoln, Nebr., January 20, 1965.

HON. EDMUND S. MUSKIE,
Chairman, Special Subcommittee on Air and Water Pollution, U.S. Senate, Washington, D.C.

DEAR SENATOR MUSKIE: Information has been submitted to us that you and several of your associates have introduced a water pollution bill identified as S. 4, similar to the bill S. 649 of the last Congress.

The water pollution control program in Nebraska is proceeding at a favorable rate, and is meeting current conditions to the satisfaction of both water users and those persons who are abating pollution by the construction of waste water treating plants to serve municipal and industrial wastes. At the present time there are approximately 30 sewer outlets that are discharging into Nebraska waters without treatment, and we

have assurance from the municipal officials of these communities that they will attempt to meet our target date of July 1, 1966, at which time all wastes will be treated.

At the same time we have enjoyed a pleasant relationship with industry in the treatment of their wastes to such degree that no major source of industrial waste is now being discharged without treatment.

We are, therefore, fearful of any changes to the Federal Water Pollution Control Act that will change the program that is so well known to Nebraska citizens, and that is progressing in a satisfactory manner.

We are especially concerned over the creation of a Federal Water Pollution Control Administration which will administer comprehensive programs, interstate cooperation and uniform laws, enforcement measures, and pollution from Federal installations. We realize that these are all important sections of the Water Pollution Control Act, but we are of the opinion that the progress that we have made in the last several years is justification for maintaining the current program, and that any changes will, of course, create new methods of administration, a loss of communication between the various municipalities, industries, and State and Federal regulatory agencies, and even set up different means of procedures, all of which will tend to delay the ultimate goal of stream pollution abatement.

The Nebraska Water Pollution Control Council has adopted water quality standards, a copy of which is enclosed. These standards are being used continuously, are accepted, and, again, we are fearful that if Federal water quality standards are set up which might be inconsistent with our State standards, a delay during debate and explanation will ensue.

The Nebraska State Board of Health, at its January 18 meeting, considered the new water pollution bill and is of the opinion that the operations of Public Law 660, with its amendments, has been a great benefit to Nebraska citizens in the various details of administration, especially the Federal grants to municipalities.

The board is unanimously opposed to the creation of a new Federal Water Pollution Control Administration, and the preparation and adoption of regulations on standards of water quality, interstate streams, or portions thereof.

Yours truly,

E. A. ROGERS, M.D., M.P.H.,
*Director of Health,
Secretary to the Board.*

Mr. ROBERTSON. Mr. President, no Member of this body is more interested in clear water, either from the standpoint of health or recreation, than is the Senator from Virginia. No one has been more active in that field. Over 40 years ago I organized an anti-water-pollution commission to try to clean up the streams in the State, but I think this effort should be controlled by the States. I supported the Ohio Valley Compact, but that was under our control. I have supported research. I would gladly vote for the bill if it provided for research and for advice of Federal officials, but I would not want them to be able to put a small town out of "business" because it had a papermill located there or because they were not satisfied with what they were doing. If we had adopted the Tower amendment, Federal officials could give research and advice, but the final action would be for the States, and I would have voted for the bill. But I am not voting to put Virginia under direct Federal control.

Mr. DODD. Mr. President, I am delighted by the speed with which the Senate Public Works Committee has acted in reporting S. 4, the water pollution control bill.

The Senate passed essentially this same measure in 1963 by a vote of 69 to 11, but the bill died in the House when Congress adjourned last October.

Since water pollution is of increasing rather than diminishing national concern, I hope that we will now see prompt action by both Houses in rising to meet this problem head on.

No nation has ever risen to prominence, ever built a complex agricultural and industrial economy, or ever adequately fed its people without a plentiful supply of water. Indeed, wars have even been fought over this most precious of our natural resources.

Our country has been generously endowed with great rivers, lakes, streams, harbors, and a plentiful rainfall. Yet today we are faced with a serious crisis in regard to our water supply.

The problem itself is essentially a simple one: while our water supply remains basically constant, our needs and demands are increasing very rapidly year by year. It is estimated that in the near future our daily industrial, domestic, and other needs will exceed the greatest amount of water we can ever hope to make available through modern engineering and technology. This necessarily means that we must be able to use each gallon of water more than once. The present efforts to develop an effective and efficient means of desalinating sea water also point to the fact that in the future we must be able to turn to an additional source of supply.

While this constructive work is underway, the supply of water on which we now rely has become subject to many varied and serious forms of pollution. Municipal and industrial organic wastes, pesticides and toxic chemicals, infectious agents, sediments, and radioactive pollution are being discharged into our waterways. These contaminants reduce the quality of our water, making it often unsuitable for reuse, and create a nuisance and a menace to health.

We now recognize water pollution as a serious national problem and have instituted programs of prevention and control. The 1956 Water Pollution Control Act and the 1961 amendments have given important impetus to action by all levels of government, and to cooperation between communities, States, and the Federal Government to combat pollution.

Nonetheless, in looking at our waterways across the country, it is evident that our efforts have not kept pace with the growing pollution problem.

One does not have to venture far here in Washington to find visible evidence of this. The beautiful Potomac River, winding through some of the most scenic countryside in the Nation, presents one of our most shameful and serious examples of this problem.

My own State of Connecticut has scenic lakes and rivers which are an integral and necessary part of our industrial complex. But here too we are

plagued by pollution problems, even though programs of prevention and control have been established and in operation for some time.

Many people write to me about this, and I often see similar pleas in letters to the editors of our many newspapers—"Please do something to help clean up our rivers and streams and stop this shameful waste."

Pollution affects industry, urban and rural residential areas, sports and recreation areas, and the health and beauty of the Nation. It is imperative that greater steps be taken to expand the existing pollution control program and to prevent further contamination.

There are these three main aspects of pollution control which must be given serious nationwide attention. We need, first, more funds for the construction of new waste treatment facilities and the modernization of old systems; second, more intensive research into the effective treatment of new contaminants, those undesirable byproducts of our continuing technical progress; and, third, more effective administration and application of enforcement programs to control pollution.

This bill now before us would create a Federal Water Pollution Control Administration in the Department of Health, Education, and Welfare, thus providing a broader base and a national scope to the pollution control program.

It would increase the Federal grants for research and development of new sewage treatment facilities, and increase the construction grants to individuals and municipal areas. These additional funds would provide the necessary stimulus for more intensive efforts by businesses, individuals, and State and local governments in coping with the problem.

The bill would also provide procedures for establishing quality standards for interstate waters, and would authorize certain abatement action when the shellfish industry suffers economic injury due to water pollution.

The water pollution problem, in the last analysis, must be dealt with locally. But it is evident that the seriousness of the situation and the size and expense of the project ahead demand national attention. The Federal Government must expand its efforts, must bear a greater portion of the costs than before, and must be in a position to coordinate all of the work and research in this area.

This bill before us today is one of the most important and far reaching water pollution proposals ever considered by Congress.

I hope and expect that it will receive overwhelming approval by the Senate, and that through greater authority for the Federal Government to set and enforce standards, through increased grants and assistance, and through continued and improved local, State and Federal cooperation we will be able to combat more successfully water pollution and assure this country an ample supply of clean water for the future.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall it pass? The yeas and

nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HICKENLOOPER (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Massachusetts [Mr. KENNEDY]. If he were present and voting he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from Arizona [Mr. HAYDEN], the Senator from Montana [Mr. METCALF], the Senator from Florida [Mr. SMATHERS], the Senator from Georgia [Mr. TALMADGE], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

I also announce that the Senator from Washington [Mr. MAGNUSON], and the Senator from South Dakota [Mr. MCGOVERN], are absent because of illness.

I further announce that Senator from Mississippi [Mr. EASTLAND], the Senator from South Carolina [Mr. JOHNSTON], the Senator from New York [Mr. KENNEDY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. MOSS], and the Senator from Connecticut [Mr. RIBICOFF], are necessarily absent.

I further announce that, if present and voting, the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Washington [Mr. MAGNUSON], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Montana [Mr. METCALF], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. MOSS], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], and the Senator from Georgia [Mr. TALMADGE] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Kansas [Mr. CARLSON], the Senator from Idaho [Mr. JORDAN], and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

The Senator from Kansas [Mr. PEARSON] and the Senator from South Carolina [Mr. THURMOND] are absent on official business.

The Senator from Delaware [Mr. WILLIAMS] is detained on official business. If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Kansas [Mr. CARLSON], the Senator from Idaho [Mr. JORDAN], the Senator from Kansas [Mr. PEARSON], the Senator from Vermont [Mr. PROUTY], the Senator from South Carolina [Mr. THURMOND], and the Senator from Delaware [Mr. WILLIAMS] would each vote "yea."

The result was announced—yeas 68, nays 8, as follows:

[No. 9 Leg.]

YEAS—68

| | | |
|--------------|---------------|----------------|
| Alken | Gore | Montoya |
| Anderson | Harris | Morse |
| Bartlett | Hart | Morton |
| Bass | Hartke | Mundt |
| Bayh | Hill | Murphy |
| Bible | Holland | Muskie |
| Boggs | Inouye | Nelson |
| Brewster | Jackson | Neuberger |
| Burdick | Javits | Pastore |
| Byrd, W. Va. | Jordan, N.C. | Pell |
| Cannon | Kennedy, N.Y. | Proxmire |
| Case | Kuchel | Randolph |
| Church | Lausche | Saltonstall |
| Clark | Long, Mo. | Scott |
| Cotton | Long, La. | Smith |
| Dirksen | Mansfield | Sparkman |
| Dodd | McCarthy | Symington |
| Dominick | McClellan | Tydings |
| Douglas | McGee | Williams, N.J. |
| Ellender | McIntyre | Yarborough |
| Ervin | McNamara | Young, N. Dak. |
| Fannin | Miller | Young, Ohio |
| Fong | Mondale | |

NAYS—8

| | | |
|---------|-----------|---------|
| Bennett | Hruska | Stennis |
| Cooper | Robertson | Tower |
| Curtis | Simpson | |

NOT VOTING—24

| | | |
|--------------|----------------|----------------|
| Allott | Johnston | Pearson |
| Byrd, Va. | Jordan, Idaho | Prouty |
| Carlson | Kennedy, Mass. | Ribicoff |
| Eastland | Magnuson | Russell |
| Fulbright | McGovern | Smathers |
| Gruening | Metcalf | Talmadge |
| Hayden | Monroney | Thurmond |
| Hickenlooper | Moss | Williams, Del. |

So the bill (S. 4) was passed.

Mr. MUSKIE. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. KUCHEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MUSKIE. Mr. President, I ask unanimous consent that S. 4 as passed by the Senate be printed.

The VICE PRESIDENT. Without objection, it is so ordered.

TRIBUTE TO SENATOR MUSKIE

Mr. MORSE subsequently said: Mr. President, I wish to express my appreciation and thanks to the Senator from Maine [Mr. MUSKIE] for the very able leadership he provided in the handling and the passage of the Water Quality Act of 1965.

APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 7, S. 3.

The VICE PRESIDENT. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 3) to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with amendments.

Mr. MANSFIELD. I assure the Senate that no votes will be taken on this bill tonight.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to inquire of the majority leader as to the schedule for tomorrow, and the schedule for Monday and Tuesday, if possible.

Mr. MANSFIELD. After consulting with as many Senators as we could, the leadership wishes to inform the Senate that the business tomorrow will be the Appalachia bill. We hope later this evening, and very shortly, to take up S. 408, in which the Senators from Alaska and New Jersey are interested.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The VICE PRESIDENT. Without objection, it is so ordered.

WAIVER OF RULE XII

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the provision of rule XII, providing for a quorum call prior to the propounding of a unanimous-consent request be waived.

The VICE PRESIDENT. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT FOR VOTE ON PASSAGE OF S. 3, APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on final passage of S. 3, the Appalachia bill, be taken at 3 p.m. on Monday next.

The VICE PRESIDENT. Without objection, it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That the Senate vote on final passage of the bill (S. 3) to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region, at 3 p.m. on Monday, February 1, 1965.

Mr. LAUSCHE. Mr. President, I shall wish to have at least 1 hour on the Appalachia bill in the presentation of an amendment.

Mr. MANSFIELD. Without question the Senator will have that time.

Mr. LAUSCHE. I wish to be assured that I shall have that time provided for me even though the unanimous consent has been entered.

Mr. MANSFIELD. I say without qualification that the distinguished Senator from Ohio will have an hour or longer tomorrow, if he wishes.

89TH CONGRESS
1ST SESSION

S. 4

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 1965

Ordered to be printed as passed

AN ACT

To amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) (1) section 1 of the Federal Water Pollution
4 Control Act (33 U.S.C. 466) is amended by inserting
5 after the words "section 1." a new subsection (a) as
6 follows:

1 “(a) The purpose of this Act is to enhance the quality
2 and value of our water resources and to establish a national
3 policy for the prevention, control, and abatement of water
4 pollution.”

5 (2) Such section is further amended by redesignat-
6 ing subsections (a) and (b) thereof as (b) and (c),
7 respectively.

8 (3) Subsection (b) of such section (as redesignated
9 by paragraph (2) of this subsection) is amended by striking
10 out the last sentence thereof and inserting in lieu of such
11 sentence the following: “The Secretary of Health, Educa-
12 tion, and Welfare (hereinafter in this Act called ‘Secretary’)
13 shall administer this Act and, with the assistance of an
14 Assistant Secretary of Health, Education, and Welfare desig-
15 nated by him, shall supervise and direct the head of the
16 Water Pollution Control Administration created by section 2
17 and the administration of all other functions of the Depart-
18 ment of Health, Education, and Welfare related to water
19 pollution. Such Assistant Secretary shall perform such addi-
20 tional functions as the Secretary may prescribe.”

21 (b) Section 2 of Reorganization Plan Numbered 1 of
22 1953, as made effective April 1, 1953, by Public Law 83-13,
23 is amended by striking out “two” and inserting in lieu thereof
24 “three”; and paragraph (17) of subsection (d) of section

1 303 of the Federal Executive Salary Act of 1964 is amended
2 by striking out “(2)” and inserting in lieu thereof “(3)”.

3 SEC. 2. Such Act is further amended by redesignating
4 sections 2 through 4 and references thereto, as sections 3
5 through 5, respectively, sections 5 through 14, as sections 7
6 through 16, respectively, by inserting after section 1 the fol-
7 lowing new section:

8 “FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

9 “SEC. 2. Effective ninety days after the date of enact-
10 ment of this section there is created within the Department of
11 Health, Education, and Welfare a Federal Water Pollution
12 Control Administration (hereinafter in this Act referred to as
13 the ‘Administration’). The head of the Administration
14 shall be appointed, and his compensation fixed, by the Sec-
15 retary, and shall, through the Administration, administer
16 sections 3, 4, 10, and 11 of this Act and such other provisions
17 of this Act as the Secretary may prescribe. The head of the
18 Administration may, in addition to regular staff of the Ad-
19 ministration, which shall be initially provided from personnel
20 of the Department, obtain, from within the Department or
21 otherwise as authorized by law, such professional, technical,
22 and clerical assistance as may be necessary to discharge the
23 Administration’s functions and may for that purpose use
24 funds available for carrying out such functions.”

1 SEC. 3. Such Act is further amended by inserting after
2 the section redesignated as section 5 a new section as
3 follows:

4 “GRANTS FOR RESEARCH AND DEVELOPMENT

5 “SEC. 6. The Secretary is authorized to make grants to
6 any State, municipality, or intermunicipal or interstate
7 agency for the purpose of assisting in the development of any
8 project which will demonstrate a new or improved method of
9 controlling the discharge into any waters of untreated or
10 inadequately treated sewage or other waste from sewers
11 which carry storm water or both storm water and sewage or
12 other wastes, and for the purpose of reports, plans, and
13 specifications in connection therewith.

14 “Federal grants under this section shall be subject to
15 the following limitations: (1) No grant shall be made for
16 any project pursuant to this section unless such project shall
17 have been approved by an appropriate State water pollu-
18 tion control agency or agencies and by the Secretary; (2)
19 no grant shall be made for any project in an amount exceed-
20 ing 50 per centum of the estimated reasonable cost thereof
21 as determined by the Secretary; (3) no grant shall be made
22 for any project under this section unless the Secretary deter-
23 mines that such project will serve as a useful demonstration
24 of a new or improved method of controlling the discharge
25 into any water of untreated or inadequately treated sewage

1 or other waste from sewers which carry storm water or both
2 storm water and sewage or other wastes.

3 “There are hereby authorized to be appropriated for
4 the fiscal year ending June 30, 1965, and for each of the
5 next three succeeding fiscal years, the sum of \$20,000,000
6 per fiscal year for the purpose of making grants under this
7 section. Sums so appropriated shall remain available until
8 expended. No grant shall be made for any project in an
9 amount exceeding 5 per centum of the total amount author-
10 ized by this section in any one fiscal year.

11 “No part of any appropriated funds may be expended
12 pursuant to authorization given by this Act involving any
13 scientific or technological research or development activity
14 unless such expenditure is conditioned upon provisions effec-
15 tive to insure that all information, copyrights, uses, processes,
16 patents, and other developments resulting from that activity
17 will be made freely available to the general public. Nothing
18 contained in this paragraph shall deprive the owner of any
19 background patent relating to any such activity, without his
20 consent, of any right which that owner may have under that
21 patent.

22 “Whenever any information, copyright, use, process,
23 patent, or development resulting from any such research or
24 development activity conducted in whole or in part with

1 appropriated funds expended under authorization of this Act
2 is withheld or disposed of by any person, organization, or
3 agency in contravention of the provisions of the preceding
4 paragraph, the Attorney General shall institute, upon his
5 own motion or upon request made by any person having
6 knowledge of pertinent facts, an action for the enforcement of
7 the provisions of the preceding paragraph in the district
8 court of the United States for any judicial district in which
9 any defendant resides, is found, or has a place of business.
10 Such court shall have jurisdiction to hear and determine such
11 action, and to enter therein such orders and decrees as it shall
12 determine to be required to carry into effect fully the provi-
13 sions of the preceding paragraph. Process of the district
14 court for any judicial district in any action instituted under
15 this paragraph may be served in any other judicial district
16 of the United States by the United States marshal thereof.
17 Whenever it appears to the court in which any such action is
18 pending that other parties should be brought before the court
19 in such action, the court may cause such other parties to be
20 summoned from any judicial district of the United States.”

21 SEC. 4. (a) Clause (2) of subsection (b) of the sec-
22 tion of the Federal Water Pollution Control Act herein
23 redesignated as section 8 is amended by striking out
24 “\$600,000,” and inserting in lieu thereof “\$1,000,000.”

25 (b) The second proviso in clause (2) of subsection (b)

1 of such redesignated section 8 is amended by striking out
2 “\$2,400,000,” and inserting in lieu thereof “\$4,000,000.”

3 (c) Subsection (f) of such redesignated section 8 is
4 redesignated as subsection (g) thereof and is amended by
5 adding at the end thereof the following new sentence: “The
6 Secretary of Labor shall have, with respect to the labor
7 standards specified in this subsection, the authority and
8 functions set forth in Reorganization Plan Numbered 14 of
9 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z 15)
10 and section 2 of the Act of June 13, 1934, as amended
11 (48 Stat. 948; 40 U.S.C. 276 (c)).”

12 (d) Such redesignated section 8 is further amended
13 by inserting therein, immediately after subsection (e)
14 thereof, the following new subsection:

15 “(f) Notwithstanding any other provisions of this sec-
16 tion, the Secretary may increase the amount of a grant
17 made under this section by 10 per centum for any project
18 which has been certified to him by an official State, metro-
19 politan, or regional planning agency empowered under State
20 or local laws or interstate compact to perform metropolitan
21 or regional planning for a metropolitan area within which
22 the assistance is to be used, or other agency or instru-
23 mentality designated for such purposes by the Governor (or
24 Governors in the case of interstate planning) as being in con-
25 formity with the comprehensive plan developed or in process

1 of development for such metropolitan area. For the purposes
2 of this subsection, the term 'metropolitan area' means either
3 (1) a standard metropolitan statistical area as defined by the
4 Bureau of the Budget, except as may be determined by the
5 President or by the Bureau of the Budget as not being ap-
6 propriate for the purposes hereof, or (2) any urban area,
7 including those surrounding areas that form an economic
8 and socially related region, taking into consideration such
9 factors as present and future population trends and patterns
10 of urban growth, location of transportation facilities and sys-
11 tems, and distribution of industrial, commercial, residential,
12 governmental, institutional, and other activities, which in
13 the opinion of the President or the Bureau of the Budget
14 lends itself as being appropriate for the purposes hereof."

15 SEC. 5. (a) Redesignated section 10 of the Federal
16 Water Pollution Control Act is amended by redesignating
17 subsections (c) through (i) as subsections (d) through (j).

18 (b) Such redesignated section 10 of the Federal Water
19 Pollution Control Act is further amended by inserting after
20 subsection (b) the following:

21 "(c) (1) In order to carry out the purposes of this
22 Act, the Secretary may, after reasonable notice and public
23 hearing and consultation with the Secretary of the Interior
24 and with other Federal agencies, with State and interstate
25 water pollution control agencies, and with municipalities and

1 industries involved, prepare regulations setting forth stand-
2 ards of water quality to be applicable to interstate waters or
3 portions thereof.

4 “(2) Such standards of quality shall be such as to
5 protect the public health or welfare and serve the pur-
6 poses of this Act. In establishing standards designed to
7 enhance the quality of such waters, the Secretary shall take
8 into consideration their use and value for public water sup-
9 plies, propagation of fish and wildlife, recreational purposes,
10 and agricultural, industrial, and other legitimate uses.

11 “(3) The Secretary shall promulgate standards
12 pursuant to paragraphs (1) and (4) of this subsection with
13 respect to any waters only if, within a reasonable time after
14 being requested by the Secretary to do so, the appropriate
15 States and interstate agencies have not developed standards
16 found by the Secretary to be consistent with paragraph
17 (2) of this subsection and applicable to such interstate waters
18 or portions thereof.

19 “(4) The Secretary shall also call a public hearing after
20 reasonable notice on his own motion or when petitioned to do
21 so by the Governor of any State subject to or affected by the
22 water quality standards promulgated pursuant to this sub-
23 section for the purpose of considering a revision in such
24 standards. The Secretary may after reasonable notice and
25 public hearing and consultation with the Secretary of the

1 Interior and with other Federal agencies, with State and
2 interstate water pollution control agencies, and with munic-
3 ipalities and industries involved, prepare revised regulations
4 setting forth standards of water quality to be applicable to
5 interstate waters or portions thereof.

6 “(5) The discharge of matter into such interstate
7 waters, which reduces the quality of such waters below the
8 water quality standards promulgated by the Secretary pur-
9 suant to paragraph (3) of this subsection or established
10 by the appropriate State or interstate agencies consistent with
11 paragraph (2) of this subsection (whether the matter
12 causing or contributing to such reduction is discharged di-
13 rectly into such waters or reaches such waters after discharge
14 into tributaries of such waters), is subject to abatement in
15 accordance with the provisions of this section.

16 “(6) Nothing in this subsection shall (a) prevent the
17 application of this section to any case to which subsection
18 (a) of this section would otherwise be applicable, or (b)
19 extend Federal jurisdiction over water not otherwise author-
20 ized by this Act.

21 “(7) All action taken under this section for the adop-
22 tion of standards and the promulgation of rules and regula-
23 tions shall be taken in conformity with provisions of the Ad-
24 ministrative Procedure Act.”

25 (c) Paragraph (1) of redesignated subsection (d) of

1 the section of the Federal Water Pollution Control Act
2 herein redesignated as section 10 is amended by striking out
3 the final period after the third sentence of such subsection and
4 inserting the following in lieu thereof: “; or he finds that
5 substantial economic injury results from the inability to
6 market shellfish or shellfish products in interstate commerce
7 because of pollution referred to in subsection (a) and action
8 of Federal, State, or local authorities.”

9 (d) Redesignated subsection (f) of the section of the
10 Federal Water Pollution Control Act herein redesignated
11 as section 10 is amended by inserting after the words “such
12 hearing,” in the fourth sentence thereof, the words “including
13 the practicability of complying with such standards as may
14 be applicable”.

15 (e) Redesignated subsection (h) of the section of
16 the Federal Water Pollution Control Act herein redesignated
17 as section 10 is amended by inserting after the words “of
18 practicability” in the second sentence thereof, the words “of
19 complying with such standards as may be applicable”.

20 SEC. 6. The section of the Federal Water Pollution
21 Control Act hereinbefore redesignated as section 12 is
22 amended by adding at the end thereof the following new
23 subsections:

24 “(d) Each recipient of assistance under this Act shall
25 keep such records as the Secretary shall prescribe, including

1 records which fully disclose the amount and disposition by
2 such recipient of the proceeds of such assistance, the total
3 cost of the project or undertaking in connection with which
4 such assistance is given or used, and the amount of that por-
5 tion of the cost of the project or undertaking supplied by
6 other sources, and such other records as will facilitate an
7 effective audit.

8 “(e) The Secretary of Health, Education, and Welfare
9 and the Comptroller General of the United States, or any of
10 their duly authorized representatives, shall have access for
11 the purpose of audit and examination to any books, docu-
12 ments, papers, and records of the recipients that are pertinent
13 to the grants received under this Act.”

14 SEC. 7. (a) Section 7 (f) (6) of the Federal Water Pol-
15 lution Control Act, as that section is redesignated by this
16 Act, is amended by striking out “section 6 (b) (4)” as con-
17 tained therein and inserting in lieu thereof “section 8 (b)
18 (4)”.

19 (b) Section 8 of the Federal Water Pollution Control
20 Act, as that section is redesignated by this Act, is amended
21 by striking out “section 5” as contained therein and inserting
22 in lieu thereof “section 7”.

23 (c) Section 10 (b) of the Federal Water Pollution Con-
24 trol Act, as that section is redesignated by this Act, is

1 amended by striking out “subsection (g)” as contained
2 therein and inserting in lieu thereof “subsection (h)”.

3 (d) Section 10 (i) of the Federal Water Pollution Con-
4 trol Act, as that section is redesignated by this Act, is
5 amended by striking out “subsection (e)” as contained
6 therein and inserting in lieu thereof “subsection (f)”.

7 (e) Section 11 of the Federal Water Pollution Con-
8 trol Act, as that section is redesignated by this Act, is
9 amended by striking out “section 8 (c) (3)” as contained
10 therein and inserting in lieu thereof “section 10 (d) (3)” and
11 by striking out “section 8 (e)” and inserting in lieu thereof
12 “section 10 (f)”.

13 SEC. 8. This Act may be cited as the “Water Quality
14 Act of 1965”.

Passed the Senate January 28, 1965.

Attest:

FELTON M. JOHNSTON,

Secretary.

AN ACT

To amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes.

JANUARY 28, 1965

Ordered to be printed as passed

89TH CONGRESS
1ST SESSION

S. 4

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 1965

Referred to the Committee on Public Works

AN ACT

To amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) (1) section 1 of the Federal Water Pollution
4 Control Act (33 U.S.C. 466) is amended by inserting
5 after the words "section 1." a new subsection (a) as
6 follows:

1 “(a) The purpose of this Act is to enhance the quality
2 and value of our water resources and to establish a national
3 policy for the prevention, control, and abatement of water
4 pollution.”

5 (2) Such section is further amended by redesignat-
6 ing subsections (a) and (b) thereof as (b) and (c),
7 respectively.

8 (3) Subsection (b) of such section (as redesignated
9 by paragraph (2) of this subsection) is amended by striking
10 out the last sentence thereof and inserting in lieu of such
11 sentence the following: “The Secretary of Health, Educa-
12 tion, and Welfare (hereinafter in this Act called ‘Secretary’)
13 shall administer this Act and, with the assistance of an
14 Assistant Secretary of Health, Education, and Welfare desig-
15 nated by him, shall supervise and direct the head of the
16 Water Pollution Control Administration created by section 2
17 and the administration of all other functions of the Depart-
18 ment of Health, Education, and Welfare related to water
19 pollution. Such Assistant Secretary shall perform such addi-
20 tional functions as the Secretary may prescribe.”

21 (b) Section 2 of Reorganization Plan Numbered 1 of
22 1953, as made effective April 1, 1953, by Public Law 83-13,
23 is amended by striking out “two” and inserting in lieu thereof
24 “three”; and paragraph (17) of subsection (d) of section

1 303 of the Federal Executive Salary Act of 1964 is amended
2 by striking out “(2)” and inserting in lieu thereof “(3)”.

3 SEC. 2. Such Act is further amended by redesignating
4 sections 2 through 4 and references thereto, as sections 3
5 through 5, respectively, sections 5 through 14, as sections 7
6 through 16, respectively, by inserting after section 1 the fol-
7 lowing new section:

8 “FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

9 “SEC. 2. Effective ninety days after the date of enact-
10 ment of this section there is created within the Department of
11 Health, Education, and Welfare a Federal Water Pollution
12 Control Administration (hereinafter in this Act referred to as
13 the ‘Administration’). The head of the Administration
14 shall be appointed, and his compensation fixed, by the Sec-
15 retary, and shall, through the Administration, administer
16 sections 3, 4, 10, and 11 of this Act and such other provisions
17 of this Act as the Secretary may prescribe. The head of the
18 Administration may, in addition to regular staff of the Ad-
19 ministration, which shall be initially provided from personnel
20 of the Department, obtain, from within the Department or
21 otherwise as authorized by law, such professional, technical,
22 and clerical assistance as may be necessary to discharge the
23 Administration’s functions and may for that purpose use
24 funds available for carrying out such functions.”

1 SEC. 3. Such Act is further amended by inserting after
2 the section redesignated as section 5 a new section as
3 follows:

4 “GRANTS FOR RESEARCH AND DEVELOPMENT

5 “SEC. 6. The Secretary is authorized to make grants to
6 any State, municipality, or intermunicipal or interstate
7 agency for the purpose of assisting in the development of any
8 project which will demonstrate a new or improved method of
9 controlling the discharge into any waters of untreated or
10 inadequately treated sewage or other waste from sewers
11 which carry storm water or both storm water and sewage or
12 other wastes, and for the purpose of reports, plans, and
13 specifications in connection therewith.

14 “Federal grants under this section shall be subject to
15 the following limitations: (1) No grant shall be made for
16 any project pursuant to this section unless such project shall
17 have been approved by an appropriate State water pollu-
18 tion control agency or agencies and by the Secretary; (2)
19 no grant shall be made for any project in an amount exceed-
20 ing 50 per centum of the estimated reasonable cost thereof
21 as determined by the Secretary; (3) no grant shall be made
22 for any project under this section unless the Secretary deter-
23 mines that such project will serve as a useful demonstration
24 of a new or improved method of controlling the discharge
25 into any water of untreated or inadequately treated sewage

1 or other waste from sewers which carry storm water or both
2 storm water and sewage or other wastes.

3 “There are hereby authorized to be appropriated for
4 the fiscal year ending June 30, 1965, and for each of the
5 next three succeeding fiscal years, the sum of \$20,000,000
6 per fiscal year for the purpose of making grants under this
7 section. Sums so appropriated shall remain available until
8 expended. No grant shall be made for any project in an
9 amount exceeding 5 per centum of the total amount author-
10 ized by this section in any one fiscal year.

11 “No part of any appropriated funds may be expended
12 pursuant to authorization given by this Act involving any
13 scientific or technological research or development activity
14 unless such expenditure is conditioned upon provisions effec-
15 tive to insure that all information, copyrights, uses, processes,
16 patents, and other developments resulting from that activity
17 will be made freely available to the general public. Nothing
18 contained in this paragraph shall deprive the owner of any
19 background patent relating to any such activity, without his
20 consent, of any right which that owner may have under that
21 patent.

22 “Whenever any information, copyright, use, process,
23 patent, or development resulting from any such research or
24 development activity conducted in whole or in part with

1 appropriated funds expended under authorization of this Act
2 is withheld or disposed of by any person, organization, or
3 agency in contravention of the provisions of the preceding
4 paragraph, the Attorney General shall institute, upon his
5 own motion or upon request made by any person having
6 knowledge of pertinent facts, an action for the enforcement of
7 the provisions of the preceding paragraph in the district
8 court of the United States for any judicial district in which
9 any defendant resides, is found, or has a place of business.
10 Such court shall have jurisdiction to hear and determine such
11 action, and to enter therein such orders and decrees as it shall
12 determine to be required to carry into effect fully the provi-
13 sions of the preceding paragraph. Process of the district
14 court for any judicial district in any action instituted under
15 this paragraph may be served in any other judicial district
16 of the United States by the United States marshal thereof.
17 Whenever it appears to the court in which any such action is
18 pending that other parties should be brought before the court
19 in such action, the court may cause such other parties to be
20 summoned from any judicial district of the United States.”

21 SEC. 4. (a) Clause (2) of subsection (b) of the sec-
22 tion of the Federal Water Pollution Control Act herein
23 redesignated as section 8 is amended by striking out
24 “\$600,000,” and inserting in lieu thereof “\$1,000,000.”

25 (b) The second proviso in clause (2) of subsection (b)

1 of such redesignated section 8 is amended by striking out
2 “\$2,400,000,” and inserting in lieu thereof “\$4,000,000.”

3 (c) Subsection (f) of such redesignated section 8 is
4 redesignated as subsection (g) thereof and is amended by
5 adding at the end thereof the following new sentence: “The
6 Secretary of Labor shall have, with respect to the labor
7 standards specified in this subsection, the authority and
8 functions set forth in Reorganization Plan Numbered 14 of
9 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z 15)
10 and section 2 of the Act of June 13, 1934, as amended
11 (48 Stat. 948; 40 U.S.C. 276 (c)).”

12 (d) Such redesignated section 8 is further amended
13 by inserting therein, immediately after subsection (e)
14 thereof, the following new subsection:

15 “(f) Notwithstanding any other provisions of this sec-
16 tion, the Secretary may increase the amount of a grant
17 made under this section by 10 per centum for any project
18 which has been certified to him by an official State, metro-
19 politan, or regional planning agency empowered under State
20 or local laws or interstate compact to perform metropolitan
21 or regional planning for a metropolitan area within which
22 the assistance is to be used, or other agency or instru-
23 mentality designated for such purposes by the Governor (or
24 Governors in the case of interstate planning) as being in con-
25 formity with the comprehensive plan developed or in process

1 of development for such metropolitan area. For the purposes
2 of this subsection, the term 'metropolitan area' means either
3 (1) a standard metropolitan statistical area as defined by the
4 Bureau of the Budget, except as may be determined by the
5 President or by the Bureau of the Budget as not being ap-
6 propriate for the purposes hereof, or (2) any urban area,
7 including those surrounding areas that form an economic
8 and socially related region, taking into consideration such
9 factors as present and future population trends and patterns
10 of urban growth, location of transportation facilities and sys-
11 tems, and distribution of industrial, commercial, residential,
12 governmental, institutional, and other activities, which in
13 the opinion of the President or the Bureau of the Budget
14 lends itself as being appropriate for the purposes hereof."

15 SEC. 5. (a) Redesignated section 10 of the Federal
16 Water Pollution Control Act is amended by redesignating
17 subsections (c) through (i) as subsections (d) through (j).

18 (b) Such redesignated section 10 of the Federal Water
19 Pollution Control Act is further amended by inserting after
20 subsection (b) the following:

21 "(c) (1). In order to carry out the purposes of this
22 Act, the Secretary may, after reasonable notice and public
23 hearing and consultation with the Secretary of the Interior
24 and with other Federal agencies, with State and interstate
25 water pollution control agencies, and with municipalities and

1 industries involved, prepare regulations setting forth stand-
2 ards of water quality to be applicable to interstate waters or
3 portions thereof.

4 “(2) Such standards of quality shall be such as to
5 protect the public health or welfare and serve the pur-
6 poses of this Act. In establishing standards designed to
7 enhance the quality of such waters, the Secretary shall take
8 into consideration their use and value for public water sup-
9 plies, propagation of fish and wildlife, recreational purposes,
10 and agricultural, industrial, and other legitimate uses.

11 “(3) The Secretary shall promulgate standards
12 pursuant to paragraphs (1) and (4) of this subsection with
13 respect to any waters only if, within a reasonable time after
14 being requested by the Secretary to do so, the appropriate
15 States and interstate agencies have not developed standards
16 found by the Secretary to be consistent with paragraph
17 (2) of this subsection and applicable to such interstate waters
18 or portions thereof.

19 “(4) The Secretary shall also call a public hearing after
20 reasonable notice on his own motion or when petitioned to do
21 so by the Governor of any State subject to or affected by the
22 water quality standards promulgated pursuant to this sub-
23 section for the purpose of considering a revision in such
24 standards. The Secretary may after reasonable notice and
25 public hearing and consultation with the Secretary of the

1 Interior and with other Federal agencies, with State and
2 interstate water pollution control agencies, and with munic-
3 ipalities and industries involved, prepare revised regulations
4 setting forth standards of water quality to be applicable to
5 interstate waters or portions thereof.

6 “(5) The discharge of matter into such interstate
7 waters, which reduces the quality of such waters below the
8 water quality standards promulgated by the Secretary pur-
9 suant to paragraph (3) of this subsection or established
10 by the appropriate State or interstate agencies consistent with
11 paragraph (2) of this subsection (whether the matter
12 causing or contributing to such reduction is discharged di-
13 rectly into such waters or reaches such waters after discharge
14 into tributaries of such waters), is subject to abatement in
15 accordance with the provisions of this section.

16 “(6) Nothing in this subsection shall (a) prevent the
17 application of this section to any case to which subsection
18 (a) of this section would otherwise be applicable, or (b)
19 extend Federal jurisdiction over water not otherwise author-
20 ized by this Act.

21 “(7) All action taken under this section for the adop-
22 tion of standards and the promulgation of rules and regula-
23 tions shall be taken in conformity with provisions of the Ad-
24 ministrative Procedure Act.”

25 (c) Paragraph (1) of redesignated subsection (d) of

1 the section of the Federal Water Pollution Control Act
2 herein redesignated as section 10 is amended by striking out
3 the final period after the third sentence of such subsection and
4 inserting the following in lieu thereof: “; or he finds that
5 substantial economic injury results from the inability to
6 market shellfish or shellfish products in interstate commerce
7 because of pollution referred to in subsection (a) and action
8 of Federal, State, or local authorities.”

9 (d) Redesignated subsection (f) of the section of the
10 Federal Water Pollution Control Act herein redesignated
11 as section 10 is amended by inserting after the words “such
12 hearing,” in the fourth sentence thereof, the words “including
13 the practicability of complying with such standards as may
14 be applicable”.

15 (e) Redesignated subsection (h) of the section of
16 the Federal Water Pollution Control Act herein redesignated
17 as section 10 is amended by inserting after the words “of
18 practicability” in the second sentence thereof, the words “of
19 complying with such standards as may be applicable”.

20 SEC. 6. The section of the Federal Water Pollution
21 Control Act hereinbefore redesignated as section 12 is
22 amended by adding at the end thereof the following new
23 subsections:

24 “(d) Each recipient of assistance under this Act shall
25 keep such records as the Secretary shall prescribe, including

1 records which fully disclose the amount and disposition by
2 such recipient of the proceeds of such assistance, the total
3 cost of the project or undertaking in connection with which
4 such assistance is given or used, and the amount of that por-
5 tion of the cost of the project or undertaking supplied by
6 other sources, and such other records as will facilitate an
7 effective audit.

8 “(e) The Secretary of Health, Education, and Welfare
9 and the Comptroller General of the United States, or any of
10 their duly authorized representatives, shall have access for
11 the purpose of audit and examination to any books, docu-
12 ments, papers, and records of the recipients that are pertinent
13 to the grants received under this Act.”

14 SEC. 7. (a) Section 7 (f) (6) of the Federal Water Pol-
15 lution Control Act, as that section is redesignated by this
16 Act, is amended by striking out “section 6 (b) (4)” as con-
17 tained therein and inserting in lieu thereof “section 8 (b)
18 (4)”.

19 (b) Section 8 of the Federal Water Pollution Control
20 Act, as that section is redesignated by this Act, is amended
21 by striking out “section 5” as contained therein and inserting
22 in lieu thereof “section 7”.

23 (c) Section 10 (b) of the Federal Water Pollution Con-
24 trol Act, as that section is redesignated by this Act, is

1 amended by striking out “subsection (g)” as contained
2 therein and inserting in lieu thereof “subsection (h)”.

3 (d) Section 10 (i) of the Federal Water Pollution Con-
4 trol Act, as that section is redesignated by this Act, is
5 amended by striking out “subsection (e)” as contained
6 therein and inserting in lieu thereof “subsection (f)”.

7 (e) Section 11 of the Federal Water Pollution Con-
8 trol Act, as that section is redesignated by this Act, is
9 amended by striking out “section 8 (c) (3)” as contained
10 therein and inserting in lieu thereof “section 10 (d) (3)” and
11 by striking out “section 8 (e)” and inserting in lieu thereof
12 “section 10 (f)”.

13 SEC. 8. This Act may be cited as the “Water Quality
14 Act of 1965”.

Passed the Senate January 28, 1965.

Attest:

FELTON M. JOHNSTON,

Secretary.

AN ACT

To amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes.

FEBRUARY 1, 1965

Referred to the Committee on Public Works

Feb. 4, 1965

Recommended enactment of legislation to equalize the availability of home mortgage credit in rural areas by supplementing the mortgage insurance programs of the Federal Housing Administration with a rural mortgage insurance program to be administered by the Department of Agriculture; and recommended an increase in the annual limit upon the Department of Agriculture's existing loan insurance program, which insures not only farm ownership loans but loans for community water systems and recreation development.

Stated that he will soon make recommendations to improve and make permanent the Area Redevelopment Act.

Stated that he was asking the Secretary of Agriculture to so utilize the Commodity Credit Corporation as to make the "free market system work more effectively for the farmer; that we must encourage the private segment of our economy to carry its own inventories, bought from farmers, rather than depending on the government as a source of supply; and that we must urge the private sector to perform as many services as possible now performed by government agencies.

The message includes the following statement:

"Since it is clear that an administrative office for each Federal Agency or program cannot and should not be established in every county, a method must be developed to extend the reach of those Federal agencies and programs which should, but do not now, effectively serve rural areas.

"Accordingly, I have asked:

"1. Each Department and agency administering a program which can benefit rural people to assure that its benefits are distributed equitably between urban and rural areas.

"2. The Secretary of Agriculture and the Director of the Budget to review carefully with the head of each Department or agency involved, the administrative obstacles which may stand in the way of such equitable distribution. They should propose administrative or legislative steps which can be taken to assure that equity is attained to assure full participation by rural areas.

"3. The Secretary of Agriculture to put the facilities of his field offices at the disposal of all Federal agencies to assist them in making their programs effective in rural areas. The Secretary is creating within the Department of Agriculture a Rural Community Development Service, which will have no operating programs of its own but will devote its energies to assisting other agencies in extending their services. I have requested funds in the 1966 budget to finance this service and to strengthen the capacity of the Cooperative Federal-State Extension Service to assist rural communities in forming strong and active development organizations."

Sen. Aiken called the President's message excellent, and stated it "provides a good launching pad from which to start" (p. 1966). Sen. McGovern stated that it was "one of the strongest farm messages and one of the best farm messages ever received by the Congress," and inserted a statement of the Master of the National Grange commending the message (pp. 1966-7). Sen. Bartlett commended the President "for the careful attention that is being paid to meeting the consumer needs of our Nation in the farm program" (p. 1969). Sen. Sparkman stated that "the President has faced up in a sincere and realistic manner to the problems and potentials of rural America" (pp. 1969-70). Sen. Gore stated that the message "restates and emphasizes the need for a successful Kennedy round of negotiation under the General Agreement on Tariffs

and Trade" (p. 1970). Sen. Harris stated that he was "impressed by its recognition that food and agriculture policies affect the entire economy" (pp. 1971-2). Sen. Javits commended the proposed establishment of a "National Agricultural Advisory Commission on Food Policy" and expressed disappointment that the message did not recommend expanded drought relief for N. Y. farmers and did not "set forth any administration position on dairy legislation" (p. 1982). Sen. Neuberger expressed wholehearted support for "that part of the message which declares a parity of opportunity for rural America" (pp. 1989-90).

2. BEEF EXPORTS. Sen. Sparkman announced that the Senate Small Business Committee will hold public hearings on Feb. 24 and 25, to explore ocean freight rate differentials and other factors which may be barriers to the exportation of U. S. beef and beef products. p. 1965
 3. PUBLIC LAW 480. Sen. Dodd stated that he favored "a compromise resolution reducing Public Law 480 sales to Egypt by one-third or one-fourth of the average figure for the past 4 years." Sen. Gruening commended Sen. Dodd's proposal. pp. 1978-9
 4. ELECTRIFICATION. Sen. McGovern inserted and commended Norman Clapp's address at the annual meeting of the National Rural Electric Cooperative Assoc. reviewing the rural electrification program. pp. 1967-9
Sen. Metcalf stated that the Keating proviso in the Public Works Appropriation Acts, regarding the construction of transmission facilities within those areas covered by power wheeling service contracts, has "resulted in millions of dollars of excessive charges for wheeling Federal power," and inserted a speech by Sen. Moss calling for repeal of the Keating proviso. pp. 1970-1
 5. STOCKPILING. The Armed Services Committee voted to report (but did not actually report) with amendment S. 28, to insure the availability of certain critical materials during a war or national emergency by providing for a reserve of such materials. p. D73
 6. WATER POLLUTION. Sen. Javits urged that the water pollution control bill, S. 4, be amended to eliminate features "which discriminate against heavily populated areas." p. 1982
 7. PACKAGING. At the request of Sen. Hart, consent was granted for S. 985, the truth-in-packaging bill, to lie on the table until Feb. 18, for additional cosponsors. pp. 1972-4
 8. GRANTS-IN-AID. Sen. Ervin, Jordan (Idaho), and Saltonstall were added as cosponsors of S. 689, to provide for periodic congressional review of Federal grants-in-aid to State and local governments. p. 1965
 9. LEGISLATIVE PROGRAM. Sen. Mansfield announced that S. 28, the stockpile bill, will be considered Tues., Feb. 9. p. 1900
 10. ADJOURNED until Mon., Feb. 8. p. 1990
- HOUSE
11. FARM PROGRAM. Rep. Jones, Mo., and other Representatives discussed the merits of the President's farm message. pp. 2002-4

January 15 and the exchange offer will expire February 8. Christiana said a preliminary prospectus on the offer will be mailed to stockholders "within the next few days."

The company said that any shares not disposed of through the offer will be distributed on a pro rata basis to Christiana shareholders or sold to satisfy taxes prior to May 1. It noted that it intends to sell about 500,000 GM shares prior to May 1 to raise funds for taxes.

Christiana Securities is a holding company and a major Du Pont Co. stockholder. Under a 1962 court order requiring Du Pont to divest itself of 63 million GM common shares, certain Du Pont stockholders, including Christiana, were also ordered to divest themselves of any GM shares received from Du Pont through its divestiture plan. Du Pont was given until February 28, this year to complete its divestiture and Christiana was given until May 1. Du Pont completed its divestiture of GM stock yesterday with a third and final distribution of 23 million GM shares.

At the effective date of the original Du Pont divestment order, Christiana held 535,500 shares of GM stock. It has since received 18,247,283 GM shares in 3 distributions from Du Pont.

In November 1962, and again last January, Christiana distributed 4,416,210 GM shares to its stockholders. It has also sold 1,050,000 GM shares.

Mr. GORE. Mr. President, I again renew my request for a public hearing, with public officials appearing, with regard to a ruling that has been issued which provides vast benefits to the stockholders of a publicly held corporation which has been the subject of long litigation in the courts, and legislative enactment.

There has been much publicity over this, but there have been too many private dealings already.

Mr. LONG of Louisiana subsequently said: Mr. President, I wanted to make it very clear, regardless of the position taken by the Senator from Tennessee with regard to Du Pont and General Motors, that the Secretary is following a long-established policy in declining to make a ruling or influence the decision of a specific tax case one way or the other. I have before me a transcript of the hearings on the nomination of the Secretary of the Treasury Douglas Dillon. I read from page 6:

I have also considered my position in the event that corporations in which I have an interest should be involved in tax cases.

Again I am advised that cases involving the liability of specific companies do not normally come to the attention of the Secretary. In any event, I shall instruct the appropriate persons in the Treasury not to bring cases involving such corporations to my attention.

I have given a power of attorney to certain individuals to represent me in all matters involving my own personal tax returns, which power shall be irrevocable while I am Secretary of the Treasury.

In other words, what the Secretary was saying was that he did not want to be consulted on anything involving the tax liability of any company in which he had an interest; but he also stated what the policy of the Treasury had been through the years—that the Secretary of the Treasury was not to make tax rulings or be consulted about any individual cases.

I read further from the same page of the hearings:

The CHAIRMAN. I would like to also make clear the independence of the Commissioner of Internal Revenue. He is appointed by the President and confirmed by the Senate.

Mr. DILLON. That is my understanding.

The CHAIRMAN. To what extent would you be able to influence or control any actions of the Commissioner of Internal Revenue in regard to refunds of taxes or anything else?

Mr. DILLON. I have been informed that, as a matter of practice, these individual items are handled by the Commissioner and do not come to the Secretary of the Treasury.

However, to make certain I do intend, if I am confirmed, to issue clear instructions, which I would like to discuss with the General Counsel, to make certain that no such questions that might have anything to do with any company in which I had any interest, direct or indirect, are brought to my attention. They would be left with the Commissioner of Internal Revenue.

The CHAIRMAN. In fact, while it is not strictly an independent agency, it is my understanding that throughout the years the Secretary of the Treasury has not attempted to influence in any way the Commissioner of Internal Revenue in regard to taxes, refunds of taxes, or anything else. Is that your understanding?

Mr. DILLON. That has been my understanding; yes, sir.

I have in my hand the memorandum to which the Secretary referred and which was circulated in the Department. It is dated February 21, 1961. It states—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG of Louisiana. I ask unanimous consent to have 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. The memorandum reads:

FEBRUARY 21, 1961.

Memorandum to: The Under Secretary, the Under Secretary for Monetary Affairs, the assistant secretaries, the General Counsel, Director, executive secretariat, heads of bureaus.

In accordance with what I am advised has been the general practice of my predecessors, and to assure an orderly administration of the business of the Department, I desire that you not refer to me cases involving the tax liability of particular taxpayers or other matters requiring determinations affecting particular individuals or corporations. Accordingly, I request that, in the normal course, you dispose of all such matters within your respective offices. In the event you feel that a matter raises questions of policy of such importance as to require determination at a higher level, please in the first instance consult with the Under Secretary, or in his absence, the General Counsel.

When and if references and inquiries concerning the tax liability or particular taxpayers are brought to the Secretary's office from outside the Department for my attention or for the attention of members of my staff, including the Under Secretary and General Counsel, they should be referred promptly and without comment directly to the Commissioner of Internal Revenue for handling in accordance with the established practices and procedures within the Internal Revenue Service.

DOUGLAS DILLON.

I find nothing whatever wrong with that position. It seems to me that the Secretary of the Treasury, who has vast

economic responsibilities and interests, was entirely proper in conducting himself in this fashion and stating that he should not be called upon to make a determination as to whether the Commissioner of Internal Revenue may have made a mistake one way or the other in making a decision under the law in pursuance of his responsibilities.

As I stated before, any taxpayer may be subject to investigation by the Internal Revenue Bureau, the Senate Finance Committee, or the Ways and Means Committee of the House; but his affairs should not be laid before the public merely because one person may have claimed that, in his opinion, the Government had not collected as much in taxes as he feels might conceivably be owed. If the Committee determined that a particular taxpayer had received favoritism, it would be appropriate for us to have a hearing.

Should we take a different position, it would permit any individual Senator, or any number of Senators, unlimited possibilities for keeping the committee, and the Senate, in session year after year, with much publicity about matters that are properly the private business of taxpayers.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Is there further morning business?

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICA COMES LAST WITH THEM

Mr. YOUNG of Ohio. Mr. President, the recent election last November was an overwhelming repudiation of right-wing extremism.

Our Nation wants moderation and the continuance of our traditional two-party system of government. However, despite the growing disdain of all thinking Americans, these rabble rousers of the lunatic rightwing continue their vicious crusades. If anything, their activities have increased in intensity in recent months, and they cannot always be dismissed as mere cranks.

It is my conviction that the John Birch Society, so called, with its secret cells and false propaganda, is the most dangerous organization in America. If the Communist leaders had hired helpers in their announced task of burying us, of creating disunity, distrust, and undermining our institutions from within, they could not have chosen a better vehicle than the Birchites or Birch saps, or sons of Birches, as the distinguished minority whip [Mr. KUCHEL] terms them, and their fellow traveling radical crackbrain followers. Among these is a particularly scurrilous group termed "The Minutemen."

The wild men who lead this band of psychotics realize that they will never

achieve power through democratic means. Therefore, they have turned to force. The Minutemen, a lunatic fringe, rightwing extremist group, have issued a call for volunteers to join a secret underground army of terrorists and saboteurs.

Membership is secret, but has been variously estimated at between a few thousand and a hundred thousand. The current campaign, according to the New York Times, is for an army of a million, operating in guerrilla bands of a dozen or so each. Directly after the election, this organization's newsletter "On Target," stated:

The hope of millions of Americans that the Communist tide could be stopped with balloons instead of bullets has been turned into dust.

It is a ridiculous statement. Recruits are asked to indicate whether they want to join a "combat team" or do "medical, intelligence, or espionage work."

These stupid Fascist-minded, misguided, ignorant Americans imitate language and methods of the Nazis in Germany, the Fascists in Italy, and Communists everywhere.

Will they never learn? We in America have sufficient concern in finding a course of action to meet the encroachments and challenges of international communism and Soviet and Red Chinese imperialism. We do not need the Minutemen, so called, to complicate matters.

Their leaders overlook entirely the threat of Communist aggression from Soviet Russia and Red China. Instead, these sandlot witch hunters malign their neighbors, berate the clergy, and talk about Communists on the faculties of our colleges and universities. The demagogues of the lunatic fringe extreme right sell their followers the diagnosis that internal communism is the disease that causes all ills and then prescribe local vigilante action as the cure.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent to have 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Too many may laugh or shrug these rabble rousers off as mere mischief makers or annoyances. We cannot disregard them for their purposes are at odds with our Nation's freedom. In my judgment, officials of the Department of Justice should take action against the Minutemen, so called. Whether this organization has many, or few, lunatic rightwingers as members, the facts are any organization which proposes to secure for its members automatic weapons including submachineguns, tripod-mounted machineguns, flamethrowers, aerial bombs, mortars and other instruments of war should be denounced and eliminated.

We must destroy these enemies of democracy, not with bullets, as they would use against us, but with facts, constant exposure, and relentless publicity. America is last with them. They are truly America-lastest. If the ignorance that breeds these antidemocratic groups is dispelled, they will soon go the way of

the know-nothings, the Coughlinites, the America-firsters, the German-American Bund and other lunatic organizations in our past history.

MAJOR NEED FOR EXPANDING WATER POLLUTION CONTROL EFFORT

Mr. JAVITS. Mr. President, on January 28 the Senate passed S. 4, legislation to amend the Federal Water Pollution Control Act. This bill, managed by Senator MUSKIE, the able chairman of the Special Subcommittee on Water Pollution of the Senate Public Works Committee, provided grants for research and development, increased grants for construction of municipal sewage treatment works, and authorized the establishment of standards of water quality to aid in preventing pollution.

At that time, I introduced an amendment to S. 4 to eliminate features of the existing Water Pollution Control Act which discriminate against heavily populated areas. This amendment was intended to:

First. Eliminate the existing limitation of \$600,000 for a single project or \$2.4 million for a joint project involving several communities on grants for construction of waste treatment facilities, and also authorize an across-the-board Federal contribution of 30 percent of the cost of constructing these facilities.

Second. Eliminate the existing requirement that half of all construction grant funds be used for municipalities of 125,000 people or less.

Third. Establish a more meaningful standard for the allocation of funds for construction of sewage treatment facilities in urban areas of need.

The State of New York is embarking on a new \$1.7 billion water pollution program with \$513 million to be expended through 1970 for construction of needed sewage treatment facilities. To permit States making substantial efforts in this important field to accelerate their work, I believe the Federal Government should assume a full 30-percent share, and the other provisions of the present law which discriminate against heavily populated urban areas should be altered.

During debate on the amendment the distinguished manager of the bill assured the Senate that hearings would be held on the questions raised by this amendment and the adequacy of the existing grant program and in view of the tremendous water pollution control needs of heavily populated areas.

I ask unanimous consent to have printed at this point an editorial from today's New York Times on this subject.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CLEANING UP THE WATERS

The antipollution bill recently passed by the Senate is barely sufficient to enable the Nation to hold its own in the struggle for pure water.

The upward spiraling of population is exceeding the capacity of old sanitary facilities as fast as Government builds new ones. Industrial expansion in our booming economy creates an ever-growing demand for fresh water and also adds new sources of pollution.

The bill, offered by Senator EDMUND S. MUSKIE and 32 cosponsors, does give the Secretary of Health, Education, and Welfare additional authority to define and enforce standards of water quality in interstate streams. It also authorizes an additional appropriation for research into methods of combating the discharge of sewage from combined storm and sanitary sewers, one of the biggest problems in this field.

Although these measures are important and will be particularly helpful to many small communities, the bill does little to help the biggest cities which have the biggest problems. For example, the measure raises the limit on the Federal contribution to the building of a sewage treatment plant from \$600,000 to \$1 million. But a single pollution control project in a metropolis can easily run upward of \$50 million, or half the sum the Federal Government now allocates each year for the entire Nation.

There is no prospect in this bill that the Federal Government will provide anything remotely approaching the \$513 million Governor Rockefeller anticipates for his \$1,709 million program to clean up the rivers in this State over the next 6 years. Nor does the bill recognize that there will probably have to be Federal construction grants for new sewer systems, which are more expensive than sewage treatment plants and just as badly needed.

Senator MUSKIE readily conceded all of this in an exchange on the Senate floor with Senator JAVITS. It is encouraging to have Mr. MUSKIE's assurance that the passage of this bill does not mean that the Public Works Committee has finished its efforts against water pollution in this Congress. More hearings, more legislation, and more money are needed if the Nation is to win the battle for clean water.

THE PRESIDENT'S FARM MESSAGE

Mr. JAVITS. Mr. President, the President's farm message today places meaningful emphasis on the development of rural America, its concern with the development of rural facilities and resources and the need for substantially increasing efforts to insure adequate income for our rural citizens is a most important one.

I am very pleased that the President's farm message calls for the establishment of a National Agricultural Advisory Commission on Food Policy which I had proposed in legislative form as early as October 1962, and in every Congress since the 87th including this one, as Senate Joint Resolution 20. A basic review of our food policy including the goals of our existing agricultural programs and the effectiveness of their operation has long been badly needed. I also support the President's emphasis upon the role of the free market in the farm economy, and the need for developing new markets.

I am disappointed that the President's message does not place sufficient emphasis on expanded authority for drought relief which New York farmers sought so earnestly this year. I also regret that the President did not set forth any administration position on dairy legislation. The farmers of New York State are interested in learning the administration's views on this vital matter. I also look forward to seeing the details of the President's legislative proposals on feed grains, wheat, cotton, tobacco, wool, and other important commodities.

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
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OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

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HIGHLIGHTS: House Rules Committee cleared acreage-poundage tobacco bill. Rep. Landrum praised achievements of cotton program. House committee voted to report water pollution control bill. Sen. Jordan criticized proposed user charge on SCS technical assistance. Sen. Brewster commended poverty program. Rep. Kastenmeier introduced and discussed milk sanitation bill.

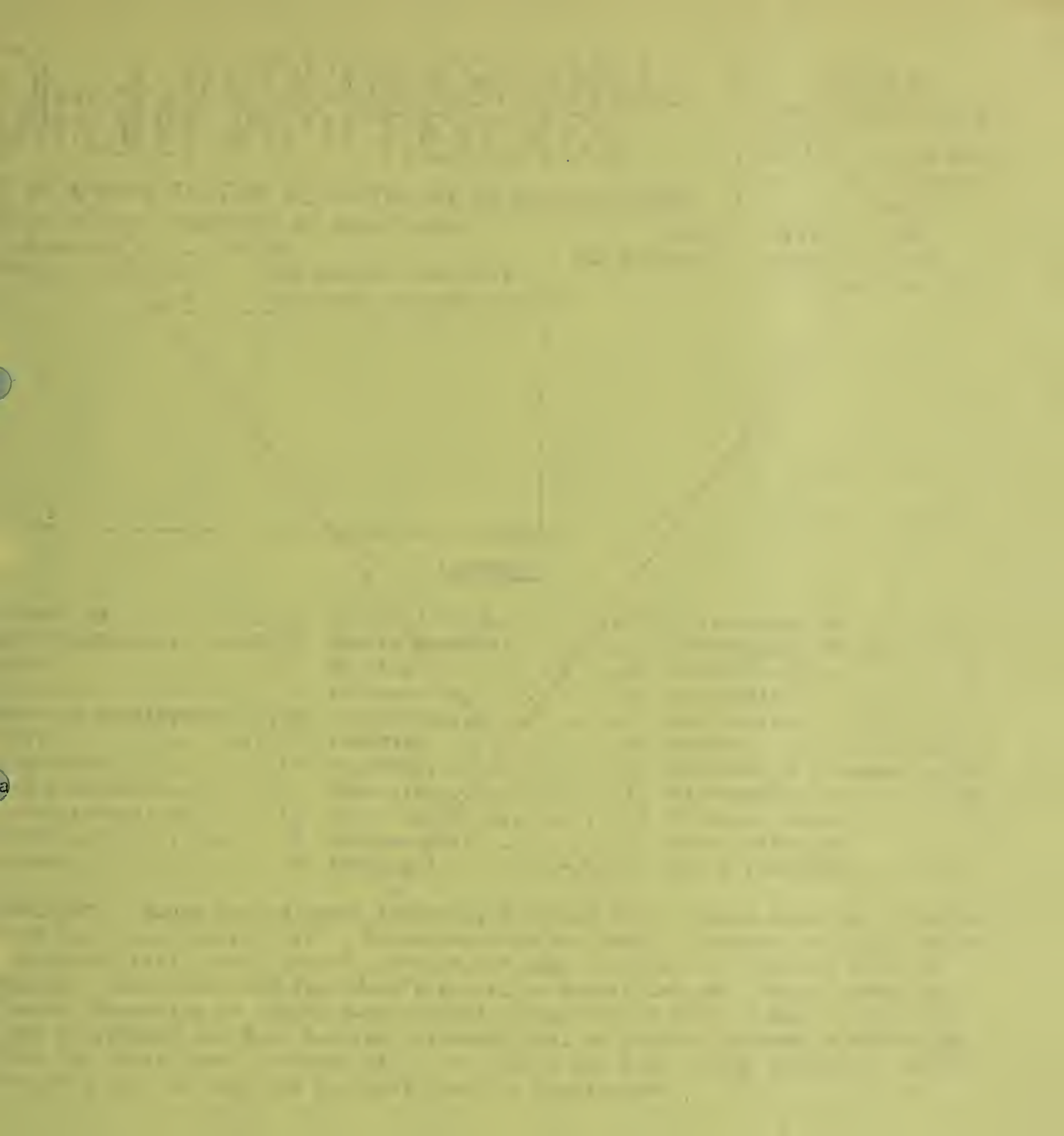
SENATE

1. USER CHARGES; SOIL CONSERVATION. Sen. Jordan, Idaho, stated that the proposed user charge on SCS technical assistance is not justified at this time, that farm income "dropped off \$300 million in 1964," and inserted an Idaho Legislature resolution objecting to the proposal. pp. 5259-60
2. POVERTY. Sen. Brewster inserted an address by Sen. McIntyre reviewing problems of poverty and commending enactment of the Economic Opportunity Act of 1964. pp. 5257-9

3. FARM LABOR. Sen. Murphy urged resumption of the importation of Mexican farm laborers and inserted two items on the farm labor situation in Calif., "Braceros Vital to State Crops," and "Cost of Bracero Blundering." pp. 5266-7
4. HOUSING. Sen. Mansfield announced that the Subcommittee on Housing of the Banking and Currency Committee will begin hearings Mar. 29 on S. 1354, the administration housing bill, and that the hearings are expected to last two weeks. p. 5255
5. ELECTRIFICATION. Sen. Bartlett defended, and inserted a letter by Sen. Gruening defending, the proposed Rampart hydroelectric project on the Yukon River, Alaska. p. 5264
6. DISASTER RELIEF. Sen. Bartlett praised Federal assistance given to Alaska as a result of the earthquake last year and urged enactment of permanent legislation giving the President authority to provide Federal assistance in future cases of disaster. pp. 5267-8
7. RECLAMATION. The Irrigation and Reclamation Subcommittee of the Interior and Insular Affairs Committee approved for full committee consideration S. 254, to authorize construction of the Tualatin Federal reclamation project, Ore. p. D204
8. FOREIGN CURRENCIES. Sen. Hayden inserted a summary of foreign currencies used by the Senate Appropriations Committee in 1964 in connection with foreign travel. pp. 5246-50
9. INFORMATION. Sen. Nelson spoke in support of enactment of legislation to establish a Federal public records law to require Federal agencies to make their records available to the public. pp. 5273-4
10. POULTRY. Sen. Tydings commended the appointment of Mrs. Emily H. Womach as chairman of the Delmarva poultry industry's fund drive for 1965. p. 5273
11. NOMINATIONS. Received the nomination of Henry H. Fowler to be Secretary of the Treasury, and the nominations of R. Watkins Greene and Ralph K. Cooper to be members of the Federal Farm Credit Board, FCA, for terms expiring Mar. 31, 1971. p. 5303
12. ADJOURNED until Mon., Mar. 22. p. 5303

HOUSE

13. TOBACCO. The Rules Committee reported a resolution for consideration of H. R. 5721, to provide for acreage-poundage marketing quotas for tobacco, and to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended. pp. 5184-5
14. WATER POLLUTION. The Public Works Committee voted to report (but did not actually report) S. 4 (amended), to amend the Federal Water Pollution Control Act so as to provide for the establishment of a Federal Water Pollution Control Administration in HEW, to provide for research and development in water pollution control, to increase grants for construction of municipal sewage treatment works, and to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters. p. D206



Digest of CONGRESSIONAL PROCEEDINGS

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HIGHLIGHTS: House passed water resources planning bill. House committee reported water pollution control bill. House received President's proposed area and regional development bill. Rep. Langen inserted GOP task force report critical of farm program. House received President's report on Public Law 480. House committee granted permission to report supplemental appropriation bill by Apr. 2. Several Reps. introduced and Rep. Resnick discussed bill to provide nationwide marketing order for table eggs. Several Reps. introduced and Rep. Fallon discussed administration's bill on area and regional economic development.

HOUSE

- 1. WATER RESOURCES.** Passed with amendments S. 21, the proposed Water Resources Planning Act, after substituting the language of similar bill, H. R. 1111, which had been passed with amendments earlier by the House by a vote of 383 to 0 (pp. 6161-81). H. R. 1111 was then tabled (p. 6181). As passed the bill includes provisions as follows: Establishes a Federal Water Resources Council, composed of the Secretaries of Interior, Agriculture, Army, and HEW and the Chairman of the Federal Power Commission, to coordinate river basin plans and maintain a continuing study of water supply requirements and management.

Authorizes the President to establish river basin water resources commissions with responsibility for coordinating Federal, State, local, and nongovernmental plans for the development of water and related land resources; preparing and keeping up to date a comprehensive, integrated, joint plan for these resources; recommending long-range schedules or priorities for the collection and analysis of basic data and for investigation, planning, and construction of projects; and fostering and undertaking studies of water and related land resources problems. Authorizes annual appropriations of \$5 million, beginning the next fiscal year after enactment, for a period of 10 years for grants to States to assist them in developing comprehensive water resources plans and in participating in the work of the river basin commissions.

2. REGIONAL DEVELOPMENT. Received from the President a proposed bill "to provide grants for public works and development facilities, other financial assistance, and persistent unemployment and underemployment in economically distressed areas and regions" (H. Doc. 131); to Public Works Committee. p. 6219
3. OLDER AMERICANS. By a vote of 391 to 1, passed with amendments H. R. 3708, the proposed Older Americans Act of 1965, providing for the establishment of an Administration on Aging in HEW. pp. 6137-61, 6207
4. FORESTRY; PERSONNEL. A subcommittee of the Judiciary Committee voted to report to the full committee H. R. 6691, to validate certain over-payments made by the Forest Service to Southwestern Indian firefighter crews from N. Mex. and Ariz. p. D249
Received a N. Mex. Legislature resolution "requesting a review of overly severe grazing regulations enforced by the U. S. Forest Service." p. 6222
5. PUBLIC LAW 480. Received from the President the annual report on activities carried on under Public Law 480 (H. Rept. 130). pp. 6135-6
6. WATER POLLUTION. The Public Works Committee reported with amendments S. 4, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters (H. Rept. 215). p. 6220
Rep. Farnum inserted an article commending efforts for increased water pollution control measures. p. 6215
7. FARM PROGRAM. Rep. Langen inserted a GOP agriculture task force report critical of administration farm policies and suggesting areas which should be studied by the task force. pp. 6196-7
8. MANPOWER. Received from Labor a report on manpower research and training under the Manpower Development and Training Act for calendar year 1964. p. 6220
Rep. O'Hara commended accomplishments under the manpower development and training program. pp. 6215-6
9. LIVESTOCK. Rep. Teague inserted a number of resolution adopted at the convention of the Texas and Southwestern Cattle Raisers Assoc. relating to problems in the livestock industry. pp. 6217-8

WATER QUALITY ACT OF 1965

MARCH 31, 1965.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BLATNIK, from the Committee on Public Works, submitted the following

REPORT

[To accompany S. 4]

The Committee on Public Works, to whom was referred the bill (S. 4) to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

The amendment to the text strikes all after the enacting clause and inserts a complete new text which is printed in italic type in the reported bill.

The amendment to the title is as follows:

Amend the title so as to read:

An Act to amend the Federal Water Pollution Control Act to establish a Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of sewage treatment works, to require establishment of water quality criteria, and for other purposes.

GENERAL STATEMENT

No more important single problem faces this country today than the problem of "good water." Water is our greatest single natural resource. The issue of pure water must be settled now for the benefit not only of this generation but for untold generations to come. The

need for good quality water for all of our Nation's uses—public and private—is a paramount one.

The Committee on Public Works has been fully aware of this basic problem and from this committee came the first legislation that brought into full focus this problem of water pollution control and water quality.

It has been nearly 9 years since the Congress, with the enactment of Public Law 660, 84th Congress, established the first permanent national program for a comprehensive attack on water pollution. The Federal role was fixed as one of support for the activities of the States, interstate agencies, and localities. The Federal Water Pollution Control Act authorized financial assistance for construction of municipal waste-treatment works, comprehensive river basin programs for water pollution control, research, and enforcement. It provided, too, for technical assistance, the encouragement of interstate compacts and uniform State laws, grants for State programs, the appointment of a Federal Water Pollution Control Advisory Board, and a cooperative program for the control of pollution from Federal installations.

With the enactment of the Federal Water Pollution Control Act Amendments of 1961, Public Law 87-88, the program was strengthened in several important respects. The appropriations authorization for waste-treatment works construction grants was increased, joint projects to serve two or more communities were encouraged, the dollar ceiling for a single project was raised from \$250,000 to \$600,000, and was set for a joint project at \$2.4 million. The research function was strengthened, the appropriations authorization for State program grants increased, the principle of low-flow augmentation for water quality control was established in law, the administration of the program was vested in the Secretary of Health, Education, and Welfare (rather than the Surgeon General of the Public Health Service), and the enforcement authority was extended to navigable as well as interstate waters.

The impact of the Federal Water Pollution Control Act has been impressive. It has taken us in less than 9 years from a situation in which untrammelled pollution threatened to foul the Nation's waterways beyond hope of restoration, to a point where we are holding our own. But that is not enough. The unprecedented and continuing population and economic growth are imposing ever-increasing demands upon our available water supplies. The accompanying trends toward increased urbanization and marked rapid technological change create new and complex water quality problems further diminishing the available supplies. The committee is fully cognizant of this problem and S. 4 is, the committee believes, a further and necessary step in continuing efforts to bring about proper water pollution control and a full upgrading of the water quality of our streams, rivers, and lakes.

COMMITTEE HEARINGS

Hearings were held by the Committee on Public Works on S. 4, H.R. 3988, and similar bills on February 18, 19, and 23, 1965. The committee heard from all interested parties on a Federal, State, and local official level, as well as private interests.

These hearings were in addition to hearings which the committee held during the 88th Congress on similar legislation. The hearings

covered 12 days. Full consideration has been given by the committee to the question of further changes in Public Law 660 of the 84th Congress, the Federal Water Pollution Control Act.

MAJOR PROVISIONS OF THE BILL

1. S. 4, as reported, statutorily asserts the purpose of the Federal Water Pollution Control Act, as amended, to be to enhance the quality and value of our water resources and to set a national policy for the prevention, control, and abatement of water pollution.

2. S. 4, as reported, provides for the creation of a Federal Water Pollution Control Administration through which the Secretary of Health, Education, and Welfare is to administer the Federal Water Pollution Control Act and creates the position of an Assistant Secretary to assist him in supervising and directing the head of the new Administration as well as the administration of all other of the Department's functions in water pollution control. Provisions to permit voluntary changeover to civil service status of Public Health Service commissioned corps personnel to facilitate the necessary staffing of the new Administration are included in the bill.

3. S. 4, as reported, authorizes a 4-year program commencing with the current fiscal year at an annual level of \$20 million for grants to develop projects which will demonstrate new or improved methods of controlling waste discharges from storm sewers or combined storm and sanitary sewers and additionally provides contract authority for these purposes. Federal grant participation is limited to 50 percent of the estimated reasonable project cost and not to exceed 5 percent of the total authorized annual amount may be granted to any one project. Not to exceed 25 percent of the total appropriation for this section in a fiscal year may be expended by contract during such fiscal year.

4. This bill, as reported, doubles the dollar ceiling limitations on grants for construction of waste treatment works from \$600,000 to \$1.2 million for an individual project and from \$2.4 million to \$4.8 million for a joint project in which two or more communities participate. The existing limitation that construction grants are not to exceed 30 percent of the cost of the project remains unchanged. Annual appropriations for fiscal years 1966 and 1967, the 2 remaining years authorized, are authorized to be increased from \$100 to \$150 million, of which \$100 million is to be allotted to the States under the existing formula and all amounts appropriated in excess of \$100 million are to be allotted on the basis of population. Project grants above the new dollar ceiling limitations up to a full 30 percent are authorized from the latter allotment if the State matches the full Federal contribution made to all projects from this allotment.

The bill also permits the Secretary to increase the basic grant by an additional 10 percent of the amount of the grant if the project conforms to a comprehensive plan for a metropolitan area as an incentive to obtain conformity of projects with metropolitan area development plans.

5. S. 4, as reported, provides that each State in order to receive funds under the act must file within 90 days after the date of enactment of the bill a letter of intent with the Secretary that the State will establish water quality criteria applicable to interstate waters on or before June 30, 1967.

6. The bill also requires the Secretary in certain circumstances to apply enforcement procedures to abate pollution which results in

substantial economic injury from the inability to market shellfish or shellfish products in interstate commerce.

7. S. 4, as reported, empowers the Secretary or his designee, at the public hearing stage of the enforcement procedures, to administer oaths and to subpoena witnesses and testimony and to require the production of evidence that relates to any matter under investigation at the public hearing. Trade secrets or secret processes are excluded from this subpoena power and jurisdiction for obtaining compliance with subpoenas is vested in the U.S. district courts.

8. The bill clarifies the authority and functions of the Secretary of Labor with respect to labor standards applicable to the act and requires accountability for financial assistance furnished under the act in accordance with acceptable audit and examination practices.

VIEWS OF THE COMMITTEE

The views of the committee are given on each one of the major provisions of the bill S. 4, as reported, in the following paragraphs:

Federal Water Pollution Control Administration

The bill provides for the establishment of a Federal Water Pollution Control Administration within the Department of Health, Education, and Welfare through which the Secretary is to administer the existing Federal Water Pollution Control Act and the amendments made thereto by the provisions of this bill. Upgrading of the Federal water pollution control program in this form has long been urged by the committee as necessary to provide appropriate identify to the importance of this program and to provide for its more effective administration.

The committee intended in 1961, as it had indicated back in 1956 when hearings were held on the initial water pollution control legislation, that the administration of this most important program should be upgraded within the Department of Health, Education, and Welfare. The committee now feels that the need for this upgrading is so imperative that there should be no further delay in the establishment of this new Administration within the Department of Health, Education, and Welfare. It considers this section a major provision of the bill and a long step in the direction of bringing about a proper implementation of existing law.

The new Administration created by this bill will afford identity to the program commensurate with its importance as an integral part of the total water resources problem. The enforcement features of the Water Pollution Control Act, as amended, which are already on the books, can be carried out in proper fashion by being placed completely under the jurisdiction of an Administration that will devote its full time to seeing that every step possible will be taken to clean up our Nation's waters.

In connection with the creation of this new Administration the committee wishes to emphasize that the overall jurisdiction and control of the program will rest where it properly belongs—in the hands of the Secretary of Health, Education, and Welfare. Under the Secretary there will be created a new Assistant Secretary of Health, Education, and Welfare, who, along with the Administrator created under this program, will be directly responsible to the Secretary. The chain of command under this Administration will be the Secretary, the Assist-

ant Secretary of Health, Education, and Welfare in charge of this program who will be responsible to the Secretary himself, and below the Assistant Secretary, the Administrator.

The salary of the new Assistant Secretary of Health, Education, and Welfare will be fixed in accordance with the provisions of section 303 of the Federal Executive Salary Act of 1964. The Administrator of this program will be in a civil service status and his compensation will be fixed in accordance with his respective responsibilities and on an appropriate level of the general schedule of the Classification Act of 1949, as amended.

The committee wishes to point out that there will be transferred to this new Administration only those functions of the Surgeon General relating to the water pollution control program. All of the other functions that are now under the jurisdiction of the Surgeon General will remain under his supervision. To further clarify this the committee added language to the legislation which provides that in the case of public health aspects of water pollution the Surgeon General shall be consulted by the head of the new Administration.

S. 4, as reported, provides for the voluntary transfer of those commissioned officers of the Public Health Service under the jurisdiction of the Surgeon General who are presently engaged in the water pollution program to the new Administration created by this bill. The committee wishes to point out there is no requirement that any of these officers transfer to the new Administration. The language in S. 4 gives them the right to do so if they so desire. The Surgeon General himself will be fully consulted in connection with any of these transfers and these officers will be fully advised of their rights under this program and what their status will be if they transfer to the new Administration.

There are at the present time some 4,900 commissioned officers under the jurisdiction of the Surgeon General. The total number of officers who would be eligible for transfer under S. 4 is 373.

This section will provide full and complete protection of the rights and benefits of these commissioned officers.

The Bureau of the Budget and the Civil Service Commission were consulted before this amendment was adopted by the committee. A letter of March 16, 1965, addressed to the Honorable George H. Fallon, chairman, Committee on Public Works, House of Representatives, by Mr. Rufus E. Miles, Jr., Assistant Secretary for Administration, Department of Health, Education, and Welfare, follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,

OFFICE OF THE SECRETARY,
Washington, D.C., March 16, 1965.

HON. GEORGE H. FALLON,
*Chairman, Committee on Public Works,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to an inquiry of the chief counsel of your committee regarding the status of amendments to section 2 of H.R. 3988 which would facilitate the transfer of Public Health Service commissioned officers to the Federal Water Pollution Control Administration, proposed by the bill, and their conversion to civil service status.

We had previously been advised by the Bureau of the Budget that there was no objection from the standpoint of the administration's

program to the submission of a proposed amendment. We also understand from the Budget Bureau that the Civil Service Commission is agreeable to the amendment.

We estimate that the maximum cost of this amendment, assuming that all eligible officers would take advantage of it, is \$1,850,000.

Sincerely yours,

RUFUS E. MILES, Jr.,
Assistant Secretary for Administration.

Under this legislation the Secretary of Health, Education, and Welfare will pay up to \$1,850,000 into the civil service pension fund on behalf of the officers who transfer to insure their pension rights. This is the maximum figure that will be paid under this section if all 373 commissioned officers elect to so transfer.

In conjunction with the creation of this new Administration, this committee wishes to commend the dedicated staff of the Federal water pollution control program in the Public Health Service which since 1956 has contributed mightily to the creation and development of a national program of water pollution control. Their efforts are fully recognized by the fact that as a result of their work such significance has been given to the program that there is now to be created this new Administration.

Grants for research and development—Combined sewer systems

Approximately 60 million people in some 2,000 communities throughout the Nation are served by combined sewers and combinations of combined and separate sewer systems. Storm water and combined sewer overflows are responsible for significant amounts of polluting material in the Nation's waters and represent one of the most difficult pollution problems confronting our urban areas today. Major expenditures will be required to develop and demonstrate effective means of providing for separation of sewers or otherwise controlling such pollution. The cost of separating existing sewer systems is staggering. It is in the neighborhood of \$20 to \$30 billion. The solution appears to lie primarily in adequate treatment of discharges from these combined sewers so as to make the end result safer insofar as the ultimate discharge of the systems is concerned. The committee believes that an authorization for grants to demonstrate new or improved methods to point the way toward a more economically feasible solution of the problem justifies the expenditure of up to \$20 million annually for the 4 years beginning with the fiscal year ending June 30, 1965, to be used on a 50-50 Federal-local matching basis. In order to avoid a disproportionate grant or grants to a relatively few projects, the amount of any single grant is limited to 5 percent of the total amount authorized for any one fiscal year. Additionally, grant funds should be distributed to projects among as many States as possible to obtain wide national application.

The committee believes that this along with the many other current problems can be solved by the application of available technology. While this is true, the committee recognizes that a more intensive research and demonstration program must be carried out now utilizing all of these available resources,

It is the intention of the committee that full utilization to the maximum extent possible be made of individuals, private enterprise, and research institutions as well as public agencies in demonstrating new or improved methods of controlling discharges from storm and

sanitary sewers. For this reason, the committee has provided to the Secretary contract authority. This is limited to 25 percent of the total annual appropriation made under authority of this section, in order that contributions to the solution of this problem within the capability of university and engineering research may be directly obtained by the Secretary.

Municipal sewage treatment works

Under existing law an amount of 30 percent or \$600,000, whichever is the lesser, may be contributed by the Federal Government toward the construction of sewage treatment works, subject to approval and certification by the State of the request of the community seeking the grant. Provision is also made in existing law for the combining of two or more community applications for a grant which, however, may not exceed 30 percent of the project cost or \$2,400,000, whichever is the lesser. The present bill would increase the amount for single grant from \$600,000 to \$1.2 million and the total for a combined grants to four times that amount, or \$4.8 million. The increased ceilings are provided to afford a more commensurate degree of inducement for communities with larger populations and, therefore, larger costs to undertake construction of needed sewage treatment works.

Appropriations of \$100 million annually are authorized in the existing law for fiscal years 1966 and 1967. The bill provides an increased authorization of \$50 million per year for these 2 years for a total of \$150 million annually. Allotment of the \$100 million among the various States on the basis of a formula that takes into account population and per capita income is retained in existing law as is the provision that at least 50 percent of such \$100 million is to be used for grants to projects servicing municipalities of 125,000 population or under. The committee has specifically taken care to see that the first \$100 million to be appropriated for both fiscal year 1966 and 1956 will remain under the existing formula so that full and proper consideration will be given to the pressing needs of the smaller communities.

The committee would like to point out that in the case of the larger communities an increase in grants to these communities will not only provide further participation of these communities in the program but will as well provide pure water for a larger group of our population. This is clearly demonstrated by the follow tables relating to the operation of the construction grant program to date:

Construction grants

PROJECTS FOR COMMUNITIES UNDER 10,000 POPULATION

| | Needs | Grants |
|---------------------------------|-----------------|-----------------|
| Number of projects..... | 5,284 | 4,629 |
| Population to be served..... | 8,318,490 | 9,064,414 |
| Estimated cost of projects..... | \$1,004,952,000 | \$1,008,961,507 |
| Grant offers..... | | \$319,782,803 |

PROJECTS FOR COMMUNITIES OVER 10,000 POPULATION

| | Needs | Grants |
|---------------------------------|---------------|-----------------|
| Number of projects..... | 363 | 1,365 |
| Population to be served..... | 27,465,729 | 39,935,586 |
| Estimated cost of projects..... | \$866,699,000 | \$1,503,400,396 |
| Grant offers..... | | \$316,119,670 |

The bill provides that the additional authorized \$50 million, or whatever portion of such amount in excess of \$100 million is actually appropriated, shall be allotted among the States on a population basis without regard to per capita income.

The dollar ceiling limitations of \$1.2 and \$4.8 million may be waived and a full 30-percent grant made to projects from this population-basis allotment if a State equally matches the Federal contribution to all project grants made from this allotment.

The committee intends that the requirement that a State "equally match" the Federal contribution for the purpose of waiving the dollar ceiling limitations not as requiring strictly a dollar-for-dollar actual cash matching but rather as permitting indirect but nevertheless actual matching as, for example, the payment by a State of a portion of a bond issue of a local municipality for construction of a sewage treatment plant.

The committee is hopeful that the States will assume full partnership in assisting municipalities to provide for their necessary treatment works by sharing the financial burden which these cities are often unable to shoulder even with the Federal assistance otherwise available. This is a most important and forward-looking step toward the solution of our vast water pollution problems. For if there is State participation there will be for the first time on a nationwide basis a joining together of the Federal, State, and local communities to solve this problem. The participation of all will insure a swifter cleanup of our Nation's waters and at the same time will lighten the financial load on all governments.

This bill also amends existing law to permit the basic grant made under this section of the act to be increased an additional 10 percent of the amount of such grant by the Secretary of Health, Education, and Welfare when the project is certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. "Metropolitan area" is one which has been so defined by the Bureau of the Budget, except as may be determined by the President as not being appropriate for the purposes hereof, or it may be any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof. The amount of the increase is 10 percent of the basic grant for project.

Improving water quality

This committee considers the question of adequate water quality standards throughout the country to be of prime importance. Whether or not these standards should be established and promulgated by the Secretary of Health, Education, and Welfare or whether they

should be set up by the States has been given long and thoughtful deliberation by the committee.

The committee has no doubt that there is an urgent need for standards of water quality to be applicable to interstate waters or portions thereof. These standards are required to insure water of a quality for the maximum number of uses which a growing population or industry will demand.

As a result of extensive hearings held both in this and the last session of Congress, the committee has amended S. 4 to allow the States the time for implementing their responsibility in protecting interstate waters. Under the definition of "interstate waters" in the act those waters that arise entirely within a State and do not flow from that State into another State, and do not form a part of the State boundaries, are not considered to be interstate waters and therefore would not be subject to any requirements with respect to water quality criteria.

Each State, within 90 days after enactment of this legislation, is to file with the Secretary a letter of intent that the State will establish water quality criteria applicable to interstate waters or portions thereof within its jurisdiction on or before June 30, 1967. Failure to file such a letter of intent will preclude the State from receiving any funds under the act until such a letter is filed.

The committee earnestly hopes that the States will do a thorough and complete job in this program. It should be pointed out that in the not too distant future further water pollution legislation will be considered by this committee since important provisions of the present act will expire June 30, 1967. If the States have done their job as intended, the information they will be able to supply will be a tremendous help in resolving our water pollution problem.

Subpena power in enforcement actions

The subpoena power as originally considered by the committee would have been available at all stages of the present enforcement procedures. The committee modified this section because it believed that the first formal stage of the enforcement procedures under existing law arises at the public hearing. This is a quasi-judicial proceeding and it is at that time that the subpoena authority should be authorized to be used. At the public hearing stage of the enforcement proceedings necessary information may be required. The committee further modified the bill so as to specifically spell out that no person shall be required to divulge trade secrets or secret processes.

The committee hopes that this subpoena power will seldom have to be used and that in most cases information will be supplied on a voluntary basis.

COMMITTEE RECOMMENDATION

The committee recommends the enactment of S. 4.

This bill is another forward step in our national effort to solve our water pollution problem and to bring about proper water quality. It upgrades the existing program; provides incentives for the participation of our several States in assisting local governments to finance the construction of necessary waste treatment works; and requires the establishment of water quality criteria by the States.

ADDITIONAL VIEWS IN SUPPORT OF S. 4

The critical and growing problem of pollution of the waters of our Nation has been of steadily increasing concern to us, and it has become obvious that a solution can be found only through the concerted action of all levels of government.

Since early in this session of the Congress, the Committee on Public Works has had for consideration H.R. 3988, S. 4, and related bills, on the subject of water pollution control. Despite our conviction that action to solve our water pollution problems is urgently needed, it was our sincere belief that all of these bills contained unwise, undesirable, and unacceptable provisions.

Public hearings were held on these bills during the month of February, and in March the committee met in executive session to decide what legislation should be reported to the House. The lengthy deliberations of the committee were conducted in a gratifyingly bipartisan atmosphere. As a result of these deliberations, the committee has reported an amended bill which we can and do support, even though we have considerable reservations as to some parts of the bill, such as the establishment of an additional Assistant Secretary of Health, Education, and Welfare position, and the establishment of a separate Water Pollution Control Administration within the Department.

We believe that two commendable aspects of the reported bill should be brought to the specific attention of our colleagues.

Both H.R. 3988 and S. 4, as referred to the committee, would have authorized the Secretary of Health, Education, and Welfare to prepare regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof. These standards would have been promulgated and would have been mandatory if, within a reasonable time after being requested by the Secretary to do so, the appropriate States and interstate agencies had not developed standards found by the Secretary to be consistent with the stated purpose of the bill.

We are strongly opposed to such a provision. Standards of water quality are concededly badly needed, but should be established by the State and local agencies, which are most familiar with all aspects of the matter in a given locality, including the economic impact of establishing and enforcing stringent standards of water quality. Authorizing the Secretary of Health, Education, and Welfare to promulgate and enforce such standards to the exclusion of the States would obviously discourage the States and local agencies from developing their own plans and standards for water quality and purity. And it would place in the hands of a single Federal official the power to establish zoning measures over—to control the use of—land within watershed areas in all parts of the United States. Such power over local affairs has never been vested in a Federal official, and we are opposed to doing it now.

After exhaustive consideration of this proposal, the committee approved a substitute provision which is a vast improvement. The part of the bill authorizing the promulgation of mandatory standards was stricken entirely, and instead a provision was inserted to require that each State file with the Secretary of Health, Education, and Welfare a letter of intent that the State will establish on or before June 30, 1967, water quality criteria applicable to interstate waters and portions thereof within such State. No State shall receive any funds under the Federal Water Pollution Control Act after 90 days following the date of enactment of the provision until such a letter is filed with the Secretary.

This will require the States themselves to take the necessary initial steps toward solving water pollution problems. Development of water quality criteria, and classification of waters as to their most desirable, beneficial, and practicable use is an essential step which most certainly should precede the promulgation of mandatory standards of water quality. We commend the committee for making this change in the bill.

The bill was also amended by inserting a provision increasing the annual authorizations for grants for waste treatment works from \$100 to \$150 million for fiscal years 1966 and 1967. We were opposed to merely an increase in Federal funds for this purpose without an inducement that the States participate, since it has long been our contention that efforts to solve our water pollution problems can be successful only if the States, with their own funds and authorities, join the battle, rather than leaving the matter solely to Federal and municipal efforts. In 1961, the views of the minority were expressed as follows (H. Rept. 306, 87th Cong., 1st sess., p. 22):

We believe that, rather than compounding the increasing decline in construction of treatment works independent of Federal subsidy which will result from a mere doubling of the amount of funds authorized to be appropriated for Federal grants, as now provided in H.R. 6441, if there is to be any increase in the amount of funds appropriated for Federal grants it should be directed toward providing an effective incentive to accelerate needed construction by offering an inducement to the States to respond to their responsibilities and participate in the cost of treatment plants.

This can be accomplished, without reducing the level of the present construction grant program under existing law, by requiring that State funds match any sums authorized to be appropriated, by H.R. 6441, which are in excess of the \$50 million annual authorization provided in existing law. If enlargement of the Federal grant program to construct local sewage treatment works is inescapable, then it is high time that the States face up to their responsibilities and assist in defraying the costs of such facilities.

After extended debate, the committee did couple the increase in annual authorizations with provisions designed to induce the States to respond to their responsibilities and participate in the cost of treatment plants, as we have long advocated.

Under the amendment finally adopted by the committee, Federal funds allocated out of the additional \$50 million authorized are available for grants up to 30 percent of the cost of waste treatment works, without regard to dollar limitations otherwise applicable, in any State which agrees to match, dollar for dollar, all funds from any allocation out of the additional \$50 million. This is a step, albeit a small step, toward encouraging the States to take up their rightful responsibilities, as we have long advocated. Since the increase in Federal authorization is coupled with this incentive to the States, which we have advocated, we can support it.

There have been and are points of some disagreement concerning S. 4, as reported to the House of Representatives. Nevertheless, we view the reported bill as the product of careful, bipartisan deliberation. We commend the reported bill to our colleagues, and recommend its passage.

WILLIAM C. CRAMER.
JOHN F. BALDWIN.
WILLIAM H. HARSHA.
JOHN C. KUNKEL.
JAMES R. GROVER, Jr.
JAMES C. CLEVELAND.
DON H. CLAUSEN.
CHARLES A. HALLECK.
CHARLOTTE T. REID.
ROBERT C. McEWEN.
JAMES D. MARTIN.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

FEDERAL WATER POLLUTION CONTROL ACT

DECLARATION OF POLICY

SECTION 1. (a) *The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution.*

[(a)] (b) In connection with the exercise of jurisdiction over the waterways of the Nation and in consequence of the benefits resulting to the public health and welfare by the prevention and control of water pollution, it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical research relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution. [To this end, the Secretary of Health, Education, and Welfare (hereinafter in this Act called the "Secretary") shall administer this Act.] *The Secretary of Health, Education, and Welfare (hereinafter in this Act called "Secretary") shall administer this Act through the Administration created by section 2 of this Act, and with the assistance of an Assistant Secretary of Health, Education, and Welfare designated by him, shall supervise and direct (1) the head of such Administration in administering this Act and (2) the administration of all other functions of the Department of Health, Education, and Welfare related to water pollution. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe.*

[(b)] (c) Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.

FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

SEC. 2. *Effective ninety days after the date of enactment of this section there is created within the Department of Health, Education, and Welfare a Federal Water Pollution Control Administration (hereinafter in this Act referred to as the "Administration"). The head of the Administration shall be appointed, and his compensation fixed, by the Secretary. The head of the Administration may, in addition to regular staff of the*

Administration, which shall be initially provided from the personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions; and he may delegate any of his functions to, or otherwise authorize their performance by, any officer or employee of, or assigned or detailed to, the Administration.

COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

SEC. [2] 3. (a) The Secretary shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution control agencies and interstate agencies, and with the municipalities and industries involved, prepare or develop comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries thereof and improving the sanitary condition of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. For the purpose of this section, the Secretary is authorized to make joint investigations with any such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may adversely affect such waters.

(b)(1) In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulation of streamflow for the purpose of water quality control, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.

(2) The need for and the value of storage for this purpose shall be determined by these agencies, with the advice of the Secretary, and his views on these matters shall be set forth in any report or presentation to the Congress proposing authorization or construction of any reservoir including such storage.

(3) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of water quality control in a manner which will insure that all project purposes share equitably in the benefits of multiple-purpose construction.

(4) Costs of water quality control features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable.

INTERSTATE COOPERATION AND UNIFORM LAWS

SEC. [3] 4. (a) The Secretary shall encourage cooperative activities by the States for the prevention and control of water pollution; encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and control of water

pollution; and encourage compacts between States for the prevention and control of water pollution.

(b) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of water pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the Congress.

RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

SEC. [4] 5. (a) The Secretary shall conduct in the Department of Health, Education, and Welfare and encourage, cooperate with, and render assistance to other appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, control, and prevention of water pollution. In carrying out the foregoing, the Secretary is authorized to—

(1) collect and make available, through publications and other appropriate means, the results of and other information as to research, investigations, and demonstrations relating to the prevention and control of water pollution, including appropriate recommendations in connection therewith;

(2) make grants-in-aid to public or private agencies and institutions and to individuals for research or training projects and for demonstrations, and provide for the conduct of research, training, and demonstrations by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

(3) secure, from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a);

(4) establish and maintain research fellowships in the Department of Health, Education, and Welfare with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships: *Provided*, That the Secretary shall report annually to the appropriate committees of Congress on his operations under this paragraph; and

(5) provide training in technical matters relating to the causes, prevention, and control of water pollution to personnel of public agencies and other persons with suitable qualifications.

(b) The Secretary may, upon request of any State water pollution control agency, or interstate agency, conduct investigations and research and make surveys concerning any specific problem of water pollution confronting any State, interstate agency, community, municipality, or industrial plant, with a view of recommending a solution of such problem.

(c) The Secretary shall, in cooperation with other Federal, State, and local agencies having related responsibilities, collect and disseminate basic data on chemical, physical, and biological water quality and other information insofar as such data or other information relate to water pollution and the prevention and control thereof.

(d)(1) In carrying out the provisions of this section the Secretary shall develop and demonstrate under varied conditions (including conducting such basic and applied research, studies, and experiments as may be necessary):

(A) Practicable means of treating municipal sewage and other waterborne wastes to remove the maximum possible amounts of physical, chemical, and biological pollutants in order to restore and maintain the maximum amount of the Nation's water at a quality suitable for repeated reuse;

(B) Improved methods and procedures to identify and measure the effects of pollutants on water uses, including those pollutants created by new technological developments; and

(C) Methods and procedures for evaluating the effects on water quality and water uses of augmented streamflows to control water pollution not susceptible to other means of abatement.

(2) For the purposes of this subsection there is authorized to be appropriated not more than \$5,000,000 for any fiscal year, and the total sum appropriated for such purposes shall not exceed \$25,000,000.

(e) The Secretary shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the mid-western area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention and control of water pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such research might be carried out.

(f) The Secretary shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, an evaluation of the water quality needs of those to be served by such waters, an evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving water pollution problems (including additional waste treatment measures) with respect to such waters.

GRANTS FOR RESEARCH AND DEVELOPMENT

SEC. 6. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes, and for the purpose of reports, plans, and specifications in connection therewith. The Secretary is authorized to provide for the conduct of

research and demonstrations relating to new or improved methods of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes, by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes, except that not to exceed 25 per centum of the total amount appropriated under authority of this section for any fiscal year may be expended under authority of this sentence during such fiscal year.

(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by an appropriate State water pollution control agency or agencies and by the Secretary; (2) no grant shall be made for any project in an amount exceeding 50 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration of a new or improved method of controlling the discharge into any water of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes.

(c) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1965, and for each of the next three succeeding fiscal years, the sum of \$20,000,000 per fiscal year for the purpose of making grants under this section. Sums so appropriated shall remain available until expended. No grant shall be made for any project in an amount exceeding 5 per centum of the total amount authorized by this section in any one fiscal year.

GRANTS FOR WATER POLLUTION CONTROL PROGRAMS

SEC. [5] 7. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1957, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1961, \$3,000,000, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1968, \$5,000,000 for grants to States and to interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution.

(b) The portion of the sums appropriated pursuant to subsection (a) for a fiscal year which shall be available for grants to interstate agencies and the portion thereof which shall be available for grants to States shall be specified in the Act appropriating such sums.

(c) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to the several States, in accordance with regulations, on the basis of (1) the population, (2) the extent of the water pollution problem, and (3) the financial need of the respective States.

(d) From each State's allotment under subsection (c) for any fiscal year the Secretary shall pay to such State an amount equal to its Federal share (as determined under subsection (h)) of the cost of carrying out its State plan approved under subsection (f), including the cost of training personnel for State and local water pollution control work and including the cost of administering the State plan.

(e) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to interstate agencies, in accordance with regulations, on such basis as the Secretary finds reasonable and equitable. He shall from time to time pay to each such agency, from its allotment, an amount equal to such portion of the cost of carrying out its plan approved under subsection (f) as may be determined in accordance with regulations, including the cost of training personnel for water pollution control work and including the cost of administering the interstate agency's plan. The regulations relating to the portion of the cost of carrying out the interstate agency's plan which shall be borne by the United States shall be designed to place such agencies, so far as practicable, on a basis similar to that of the States.

(f) The Secretary shall approve any plan for the prevention and control of water pollution which is submitted by the State water pollution control agency or, in the case of an interstate agency, by such agency, if such plan—

(1) provides for administration or for the supervision of administration of the plan by the State water pollution control agency or, in the case of a plan submitted by an interstate agency, by such interstate agency;

(2) provides that such agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require to carry out his functions under this Act;

(3) sets forth the plans, policies, and methods to be followed in carrying out the State (or interstate) plan and in its administration;

(4) provides for extension or improvement of the State or interstate program for prevention and control of water pollution;

(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan; [and]

(6) sets forth the criteria used by the State in determining priority of projects as provided in section [6(b)(4).] 8(b)(4); and

(7) *provides that the State will file with the Secretary a letter of intent that such State will establish on or before June 30, 1967, water quality criteria applicable to interstate waters and portions thereof within such State, and no State shall receive any funds under this Act after ninety days following the date of enactment of this clause until such a letter is so filed with the Secretary.*

The Secretary shall not disapprove any plan without first giving reasonable notice and opportunity for hearing to the State water pollution control agency or interstate agency which has submitted such plan.

(g) (1) Whenever the Secretary, after reasonable notice and opportunity for hearing to a State water pollution control agency or interstate agency finds that—

(A) the plan submitted by such agency and approved under this section has been so changed that it no longer complies with a requirement of subsection (f) of this section; or

(B) in the administration of the plan there is a failure to comply substantially with such a requirement,

the Secretary shall notify such agency that no further payments will be made to the State or to the interstate agency, as the case may

be, under this section (or in his discretion that further payments will not be made to the State, or to the interstate agency, for projects under or parts of the plan affected by such failure) until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Secretary shall make no further payments to such State, or to such interstate agency, as the case may be, under this section (or shall limit payments to projects under or parts of the plan in which there is no such failure).

(2) If any State or any interstate agency is dissatisfied with the Secretary's action with respect to it under this subsection, it may appeal to the United States court of appeals for the circuit in which such State (or any of the member States, in the case of an interstate agency) is located. The summons and notice of appeal may be served at any place in the United States. The findings of fact by the Secretary, unless contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action. Such new or modified findings of fact shall likewise be conclusive unless contrary to the weight of the evidence. The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

(h)(1) The "Federal share" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the continental United States (excluding Alaska), except that (A) the Federal share shall in no case be more than 66⅔ per centum or less than 33⅓ per centum, and (B) the Federal share for Hawaii and Alaska shall be 50 per centum, and for Puerto Rico and the Virgin Islands shall be 66⅔ per centum.

(2) The "Federal shares" shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation: *Provided*, That the Federal shares promulgated by the Secretary pursuant to section 4 of the Water Pollution Control Act Amendments of 1956, shall be conclusive for the period beginning July 1, 1956, and ending June 30, 1959.

(i) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

(j) The method of computing and paying amounts pursuant to subsection (d) or (e) shall be as follows:

(1) The Secretary shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State (or to each interstate agency in the case of subsection (e)) under the provisions of such subsection for such period, such estimate to be based on such records of the State (or the interstate agency) and information furnished by it, and such other investigation, as the Secretary may find necessary.

(2) The Secretary shall pay to the State (or to the interstate agency), from the allotment available therefor, the amount so estimated by him for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid such State (or such interstate agency) for any prior period under such subsection was greater or less than the amount which should have been paid to such State (or such agency) for such prior period under such subsection. Such payments shall be made through the disbursing facilities of the Treasury Department, in such installments as the Secretary may determine.

GRANTS FOR CONSTRUCTION

SEC. [6] 8. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters and for the purpose of reports, plans, and specifications in connection therewith.

(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary and unless such project is included in a comprehensive program developed pursuant to this Act; (2) except as otherwise provided in this clause, no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Secretary, or in an amount exceeding [\$600,000] \$1,200,000, whichever is the smaller; *Provided*, That the grantee agrees to pay the remaining cost: *Provided further*, That, in the case of a project which will serve more than one municipality (A) the Secretary shall, on such basis as he determines to be reasonable and equitable, allocate to each municipality to be served by such project its share of the estimated reasonable cost of such project, and shall then apply the limitations provided in this clause (2) to each such share as if it were a separate project to determine the maximum amount of any grant which could be made under this section with respect to each such share, and the total of all the amounts so determined or [\$2,400,000] \$4,800,000, whichever is the smaller, shall be the maximum amount of the grant which may be made under this section on account of such project, and (B) for the purpose of the limitation in the last sentence of subsection (d), the share of each municipality so determined shall be regarded as a grant for the construction of treatment works; (3) no grant shall be made for any project under this section until the applicant has made provision satisfactory to the Secretary for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; (4) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section [5] 7 and has been certified by the State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs; and (5) no grant shall be made under this section for any project in any State in an amount exceeding \$250,000 until a grant has been made

thereunder for each project in such State (A) for which an application was filed with the appropriate State water pollution control agency prior to one year after the date of enactment of this clause and (B) which the Secretary determines met the requirements of this section and regulations thereunder as in effect prior to the date of enactment of this clause. *The limitations of \$1,200,000 and \$4,800,000 imposed by clause (2) of this subsection shall not apply in the case of grants made under this section from funds allocated under the third sentence of subsection (c) of this section if the State agrees to match equally all Federal grants made from such allocation for projects in such State.*

(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) **for any fiscal year** *for each fiscal year ending on or before June 30, 1965, and the first \$100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965,* shall be allotted by the Secretary from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. *All sums in excess of \$100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States.* Sums allotted to a State under the **preceding sentence** *two preceding sentences* which are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b)(1) of this section and certified as entitled to priority under subsection (b)(4) of this section, shall be reallocated by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made because of lack of funds: *Provided, however,* That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State by reallocation under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second **and third**, *third, and fourth* sentences of this

subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section. For purposes of this section, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

(d) There are hereby authorized to be appropriated for each fiscal year through and including the fiscal year ending June 30, 1961, the sum of \$50,000,000 per fiscal year for the purpose of making grants under this section. There are hereby authorized to be appropriated, for the purpose of making grants under this section, \$80,000,000 for the fiscal year ending June 30, 1962, \$90,000,000 for the fiscal year ending June 30, 1963, \$100,000,000 for the fiscal year ending June 30, 1964, \$100,000,000 for the fiscal year ending June 30, 1965, **[\$100,000,000 for the fiscal year ending June 30, 1966, and \$100,000,000 for the fiscal year ending June 30, 1967.** Sums so appropriated shall remain available until expended: *Provided*, That at least 50 percent of the funds so appropriated for each fiscal year shall be used for grants for the construction of treatment works servicing municipalities of 125,000 population or under. **\$150,000,000 for the fiscal year ending June 30, 1966, and \$150,000,000 for the fiscal year ending June 30, 1967.** Sums so appropriated shall remain available until expended. *At least 50 per centum of the funds so appropriated for each fiscal year ending on or before June 30, 1965, and at least 50 per centum of the first \$100,000,000 so appropriated for each fiscal year beginning on or after July 1, 1965, shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under.*

(e) The Secretary shall make payments under this section through the disbursing facilities of the Department of the Treasury. Funds so paid shall be used exclusively to meet the cost of construction of the project for which the amount was paid. As used in this section the term "construction" includes preliminary planning to determine the economic and engineering feasibility of treatment works, the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of treatment works; and the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works; and the inspection and supervision of the construction of treatment works.

(f) *Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant made under subsection (b) of this section by an additional 10 per centum of the amount of such grant for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for*

such metropolitan area. For the purposes of this subsection, the term "metropolitan area" means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof.

[(f)] (g) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects for which grants are made under this section shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., secs. 276a through 276a-5). *The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).*

WATER POLLUTION CONTROL ADVISORY BOARD

SEC. **[7]** 9. (a) (1) There is hereby established in the Department of Health, Education, and Welfare, a Water Pollution Control Advisory Board, composed of the Secretary or his designee, who shall be chairman, and nine members appointed by the President, none of whom shall be Federal officers or employees. The appointed members, having due regard for the purposes of this Act, shall be selected from among representatives of various State, interstate and local governmental agencies, of public or private interests contributing to, affected by, or concerned with water pollution, and of other public and private agencies, organizations, or groups demonstrating an active interest in the field of water pollution prevention and control, as well as other individuals who are expert in this field.

(2) (A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of the members first taking office after June 30, 1956, shall expire as follows: three at the end of one year after such date, three at the end of two years after such date, and three at the end of three years after such date, as designated by the President at the time of appointment, and (iii) the term of any member under the preceding provisions shall be extended until the date on which his successor's appointment is effective. None of the members appointed by the President shall be eligible for reappointment within one year after the end of his preceding term, but terms commencing prior to the enactment of the Water Pollution Control Act Amendments of 1956 shall not be deemed "preceding terms" for purposes of this sentence.

(B) The members of the Board who are not officers or employees of the United States, while attending conferences or meetings of the Board or while otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding \$50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

(b) The Board shall advise, consult with, and make recommendations to the Secretary on matters of policy relating to the activities and functions of the Secretary under this Act.

(c) Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Department of Health, Education, and Welfare.

ENFORCEMENT MEASURES AGAINST POLLUTION OF INTERSTATE OR
NAVIGABLE WATERS

SEC. ~~[8]~~ 10. (a) The pollution of interstate or navigable waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of any persons, shall be subject to abatement as provided in this Act.

(b) Consistent with the policy declaration of this Act, State and interstate action to abate pollution of interstate or navigable waters shall be encouraged and shall not, except as otherwise provided by or pursuant to court order under subsection (g) be displaced by Federal enforcement action.

(c) (1) Whenever requested by the Governor of any State or a State water pollution control agency, or (with the concurrence of the Governor and of the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the State or States where such discharge or discharges originate and shall call promptly a conference of such agency or agencies and of the State water pollution control agency and interstate agency, if any, of the State or States, if any, which may be adversely affected by such pollution. Whenever requested by the Governor of any State, the Secretary shall, if such request refers to pollution of interstate or navigable waters which is endangering the health or welfare of persons only in the requesting State in which the discharge or discharges (causing or contributing to such pollution) originate, give formal notification thereof to the water pollution control agency and interstate agency, if any, of such State and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution on the legitimate uses of the waters is not of sufficient significance to warrant exercise of Federal jurisdiction under this section. The Secretary shall also call such a conference

whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) and endangering the health or welfare of persons in a State other than that in which the discharge or discharges originate is occurring[.]; or he finds that *substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities.*

(2) The agencies called to attend such conference may bring such persons as they desire to the conference. Not less than three weeks' prior notice of the conference date shall be given to such agencies.

(3) Following this conference, the Secretary shall prepare and forward to all the water pollution control agencies attending the conference a summary of conference discussions including (A) occurrence of pollution of interstate or navigable waters subject to abatement under this Act; (B) adequacy of measures taken toward abatement of the pollution; and (C) nature of delays, if any, being encountered in abating the pollution.

(d) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons is being endangered, he shall recommend to the appropriate State water pollution control agency that it take necessary remedial action. The Secretary shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.

(e) If, at the conclusion of the period so allowed, such remedial action has not been taken or action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution has not been taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a Hearing Board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of the Hearing Board and at least one member shall be a representative of the Department of Commerce, and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks' prior notice of such hearing shall be given to the State water pollution control agencies and interstate agencies, if any, called to attend the aforesaid hearing and the alleged polluter or polluters. *In connection with any such hearing, the Secretary or his designee shall have power to administer oaths and to compel the presence and testimony of witnesses and the production of any evidence that relates to any matter under investigation at such hearing, by the issuance of subpoenas. No person shall be required under this subsection to divulge trade secrets or secret processes. Witnesses so subpoenaed shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States. In case of contumacy by, or refusal to obey a subpoena duly served upon, any person, any district court of the United States for the judicial district in which such person charged with contumacy or refusal to obey is found or resides or transacts business, upon application by the Secretary or the Attorney General, shall have jurisdiction to issue an order requiring such person to appear and give testimony, or to appear and produce evidence, or both.*

Any failure to obey such order of the court may be punished by the court as contempt thereof. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the Hearing Board finds such pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution. The Secretary shall send such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution, together with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution, and shall also send such findings and recommendations and such notice to the State water pollution control agency and to the interstate agency, if any, of the State or States where such discharge or discharges originate.

(f) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

(1) in the case of pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of pollution, and

(2) in the case of pollution of waters which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate, may, with the written consent of the Governor of such State, request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution.

(g) The court shall receive in evidence in any such suit a transcript of the proceedings before the Board and a copy of the Board's recommendations and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability of *complying with such standards as may be applicable* and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.

(h) Members of any Hearing Board appointed pursuant to subsection (e) who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such Board or otherwise engaged on the work of such Board, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding \$100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

(i) As used in this section the term—

(1) "person" includes an individual, corporation, partnership, association, State, municipality, and political subdivision of a State, and

(2) "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

COOPERATION TO CONTROL POLLUTION FROM FEDERAL INSTALLATIONS

SEC. [9] 11. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, insofar as practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and with any State or interstate agency or municipality having jurisdiction over waters into which any matter is discharged from such property, in preventing or controlling the pollution of such waters. In his summary of any conference pursuant to section [8(c)(3)] 10(c)(3) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any Federal property. Notice of any hearing pursuant to section [8(e)] 10(e) involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property involved and the findings and recommendations of the Hearing Board conducting such hearing shall also include references to any such discharges which are contributing to the pollution found by such Hearing Board.

ADMINISTRATION

SEC. [10] 12. (a) The Secretary is authorized to prescribe such regulations as are necessary to carry out his functions under this Act.

(b) The Secretary, with the consent of the head of any other agency of the United States, may utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this Act.

(c) There are hereby authorized to be appropriated to the Department of Health, Education, and Welfare such sums as may be necessary to enable it to carry out its functions under this Act.

(d) *Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.*

(e) *The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act.*

DEFINITIONS

SEC. [11] 13. When used in this Act—

(a) The term "State water pollution control agency" means the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority,

charged with responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

(b) The term "interstate agency" means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

(c) The term "treatment works" means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

(d) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(e) The term "interstate waters" means all rivers, lakes, and other waters that flow across or form a part of State boundaries, including coastal waters.

(f) The term "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

OTHER AUTHORITY NOT AFFECTED

SEC. [12] 14. This Act shall not be construed as (1) superseding or limiting the functions, under any other law, of the Surgeon General or of the Public Health Service, or of any other officer or agency of the United States, relating to water pollution, or (2) affecting or impairing the provisions of the Oil Pollution Act, 1924, or sections 13 through 17 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes", approved March 3, 1899, as amended, or (3) affecting or impairing the provisions of any treaty of the United States.

SEPARABILITY

SEC. [13] 15. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SHORT TITLE

SEC. [14] 16. This Act may be cited as the "Federal Water Pollution Control Act".

SECTION 2 OF REORGANIZATION PLAN NUMBERED 1 OF 1953

SEC. 2. *Under Secretary and Assistant Secretaries.*—There shall be in the Department an Under Secretary of Health, Education, and Welfare and **[two]** *three* Assistant Secretaries of Health, Education, and Welfare each of whom shall be appointed by the President by and with the advice and consent of the Senate, shall perform such functions as the Secretary may prescribe, and shall receive compensation at the rate now or hereafter provided by law for under secretaries and assistant secretaries, respectively, of executive departments. The Under Secretary (or, during the absence or disability of the Under Secretary or in the event of a vacancy in the office of Under Secretary, an Assistant Secretary determined according to such order as the Secretary shall prescribe) shall act as Secretary during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary.

SECTION 303(d)(17) OF THE FEDERAL EXECUTIVE SALARY ACT OF 1964

SEC. 303. (a) * * *

* * * * *

(d) Level IV of the Federal executive salary schedule shall apply to the following offices and positions, for which the annual rate of basic compensation shall be \$27,000:

* * * * *

(17) Assistant Secretaries of Health, Education, and Welfare
[(2)] (3).



S. 4

[Report No. 215]

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 1965

Referred to the Committee on Public Works

MARCH 31, 1965

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To amend the Federal Water Pollution Control Act, as amended,
to establish the Federal Water Pollution Control Administra-
tion, to provide grants for research and development, to
increase grants for construction of municipal sewage treat-
ment works, to authorize the establishment of standards of
water quality to aid in preventing, controlling, and abating
pollution of interstate waters, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That ~~(a) (1)~~ section 1 of the Federal Water Pollution
4 Control Act ~~(33 U.S.C. 466)~~ is amended by inserting
5 after the words "section 1." a new subsection ~~(a)~~ as
6 follows:

7 ~~"(a)~~ The purpose of this Act is to enhance the quality

1 and value of our water resources and to establish a national
 2 policy for the prevention, control, and abatement of water
 3 pollution.”

4 ~~(2)~~ Such section is further amended by redesignating
 5 subsections ~~(a)~~ and ~~(b)~~ thereof as ~~(b)~~ and ~~(c)~~, respectively.

6 ~~(3)~~ Subsection ~~(b)~~ of such section ~~(as redesignated~~
 7 ~~by paragraph (2) of this subsection)~~ is amended by striking
 8 out the last sentence thereof and inserting in lieu of such
 9 sentence the following: “The Secretary of Health, Educa-
 10 tion, and Welfare (hereinafter in this Act called ‘Secretary’)
 11 shall administer this Act and, with the assistance of an
 12 Assistant Secretary of Health, Education, and Welfare des-
 13 ignated by him, shall supervise and direct the head of the
 14 Water Pollution Control Administration created by section
 15 2 and the administration of all other functions of the Depart-
 16 ment of Health, Education, and Welfare related to water
 17 pollution. Such Assistant Secretary shall perform such ad-
 18 ditional functions as the Secretary may prescribe.”

19 ~~(b)~~ Section 2 of Reorganization Plan Numbered 1 of
 20 1953, as made effective April 1, 1953, by Public Law 83-13,
 21 is amended by striking out “two” and inserting in lieu thereof
 22 “three”; and paragraph ~~(17)~~ of subsection ~~(d)~~ of section
 23 303 of the Federal Executive Salary Act of 1964 is amended
 24 by striking out “~~(2)~~” and inserting in lieu thereof “~~(3)~~”.

25 SEC. 2. Such Act is further amended by redesignating

1 sections 2 through 4 and references thereto, as sections 3
2 through 5, respectively, sections 5 through 14, as sections 7
3 through 16, respectively, by inserting after section 1 the fol-
4 lowing new section:

5 ~~“FEDERAL WATER POLLUTION CONTROL ADMINISTRATION~~

6 “SEC. 2. Effective ninety days after the date of enact-
7 ment of this section there is created within the Department of
8 Health, Education, and Welfare a Federal Water Pollution
9 Control Administration (hereinafter in this Act referred to as
10 the ‘Administration’). The head of the Administration
11 shall be appointed, and his compensation fixed, by the Secre-
12 tary, and shall, through the Administration, administer
13 sections 3, 4, 10, and 11 of this Act and such other provisions
14 of this Act as the Secretary may prescribe. The head of the
15 Administration may, in addition to regular staff of the Ad-
16 ministration, which shall be initially provided from personnel
17 of the Department, obtain, from within the Department or
18 otherwise as authorized by law, such professional, technical,
19 and clerical assistance as may be necessary to discharge the
20 Administration’s functions and may for that purpose use
21 funds available for carrying out such functions.”

22 SEC. 3. Such Act is further amended by inserting after
23 the section redesignated as section 5 a new section as
24 follows:

1 “GRANTS FOR RESEARCH AND DEVELOPMENT

2 “SEC. 6. The Secretary is authorized to make grants to
3 any State, municipality, or intermunicipal or interstate
4 agency for the purpose of assisting in the development of any
5 project which will demonstrate a new or improved method of
6 controlling the discharge into any waters of untreated or
7 inadequately treated sewage or other waste from sewers
8 which carry storm water or both storm water and sewage or
9 other wastes, and for the purpose of reports, plans, and
10 specifications in connection therewith.

11 “Federal grants under this section shall be subject to
12 the following limitations: ~~(1)~~ No grant shall be made for
13 any project pursuant to this section unless such project shall
14 have been approved by an appropriate State water pollu-
15 tion control agency or agencies and by the Secretary; ~~(2)~~
16 no grant shall be made for any project in an amount exceed-
17 ing 50 per centum of the estimated reasonable cost thereof
18 as determined by the Secretary; ~~(3)~~ no grant shall be made
19 for any project under this section unless the Secretary deter-
20 mines that such project will serve as a useful demonstration
21 of a new or improved method of controlling the discharge
22 into any water of untreated or inadequately treated sewage
23 or other waste from sewers which carry storm water or both
24 storm water and sewage or other wastes.

25 “There are hereby authorized to be appropriated for

1 the fiscal year ending June 30, 1965, and for each of the
2 next three succeeding fiscal years, the sum of \$20,000,000
3 per fiscal year for the purpose of making grants under this
4 section. Sums so appropriated shall remain available until
5 expended. No grant shall be made for any project in an
6 amount exceeding 5 per centum of the total amount author-
7 ized by this section in any one fiscal year.

8 “No part of any appropriated funds may be expended
9 pursuant to authorization given by this Act involving any
10 scientific or technological research or development activity
11 unless such expenditure is conditioned upon provisions effec-
12 tive to insure that all information, copyrights, uses, processes,
13 patents, and other developments resulting from that activity
14 will be made freely available to the general public. Nothing
15 contained in this paragraph shall deprive the owner of any
16 background patent relating to any such activity, without his
17 consent, of any right which that owner may have under that
18 patent.

19 “Whenever any information, copyright, use, process,
20 patent, or development resulting from any such research or
21 development activity conducted in whole or in part with
22 appropriated funds expended under authorization of this Act
23 is withheld or disposed of by any person, organization, or
24 agency in contravention of the provisions of the preceding
25 paragraph, the Attorney General shall institute, upon his

1 own motion or upon request made by any person having
2 knowledge of pertinent facts, an action for the enforcement of
3 the provisions of the preceding paragraph in the district
4 court of the United States for any judicial district in which
5 any defendant resides, is found, or has a place of business.
6 Such court shall have jurisdiction to hear and determine such
7 action, and to enter therein such orders and decrees as it shall
8 determine to be required to carry into effect fully the provi-
9 sions of the preceding paragraph. Process of the district
10 court for any judicial district in any action instituted under
11 this paragraph may be served in any other judicial district
12 of the United States by the United States marshal thereof.
13 Whenever it appears to the court in which any such action is
14 pending that other parties should be brought before the court
15 in such action, the court may cause such other parties to be
16 summoned from any judicial district of the United States."

17 SEC. 4. ~~(a)~~ Clause ~~(2)~~ of subsection ~~(b)~~ of the sec-
18 tion of the Federal Water Pollution Control Act herein
19 redesignated as section 8 is amended by striking out
20 "\$600,000," and inserting in lieu thereof "\$1,000,000,".

21 ~~(b)~~ The second proviso in clause ~~(2)~~ of subsection ~~(b)~~
22 of such redesignated section 8 is amended by striking out
23 "\$2,400,000," and inserting in lieu thereof "\$4,000,000,".

24 ~~(c)~~ Subsection ~~(f)~~ of such redesignated section 8 is
25 redesignated as subsection ~~(g)~~ thereof and is amended by

1 adding at the end thereof the following new sentence: "The
 2 Secretary of Labor shall have, with respect to the labor
 3 standards specified in this subsection, the authority and
 4 functions set forth in Reorganization Plan Numbered 14 of
 5 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z 15)
 6 and section 2 of the Act of June 13, 1934, as amended
 7 (48 Stat. 948; 40 U.S.C. 276(e))."

8 ~~(d)~~ Such redesignated section 8 is further amended
 9 by inserting therein, immediately after subsection ~~(e)~~
 10 thereof, the following new subsection:

11 ~~"(f)~~ Notwithstanding any other provisions of this sec-
 12 tion, the Secretary may increase the amount of a grant
 13 made under this section by 10 per centum for any project
 14 which has been certified to him by an official State, metro-
 15 politan, or regional planning agency empowered under State
 16 or local laws or interstate compact to perform metropolitan
 17 or regional planning for a metropolitan area within which
 18 the assistance is to be used, or other agency or instru-
 19 mentality designated for such purposes by the Governor ~~(or~~
 20 Governors in the case of interstate planning) as being in con-
 21 formity with the comprehensive plan developed or in process
 22 of development for such metropolitan area. For the purposes
 23 of this subsection, the term 'metropolitan area' means either
 24 ~~(1)~~ a standard metropolitan statistical area as defined by the
 25 Bureau of the Budget, except as may be determined by the

1 President or by the Bureau of the Budget as not being ap-
2 propriate for the purposes hereof, or ~~(2)~~ any urban area,
3 including those surrounding areas that form an economic
4 and socially related region, taking into consideration such
5 factors as present and future population trends and patterns
6 of urban growth, location of transportation facilities and sys-
7 tems, and distribution of industrial, commercial, residential,
8 governmental, institutional, and other activities, which in
9 the opinion of the President or the Bureau of the Budget
10 lends itself as being appropriate for the purposes hereof.”

11 SEC. 5. ~~(a)~~ Redesignated section 10 of the Federal
12 Water Pollution Control Act is amended by redesignating
13 subsections ~~(e)~~ through ~~(i)~~ as subsections ~~(d)~~ through ~~(j)~~.

14 ~~(b)~~ Such redesignated section 10 of the Federal Water
15 Pollution Control Act is further amended by inserting after
16 subsection ~~(b)~~ the following:

17 “~~(c)~~ ~~(1)~~ In order to carry out the purposes of this
18 Act, the Secretary may, after reasonable notice and public
19 hearing and consultation with the Secretary of the Interior
20 and with other Federal agencies, with State and interstate
21 water pollution control agencies, and with municipalities and
22 industries involved, prepare regulations setting forth stand-
23 ards of water quality to be applicable to interstate waters or
24 portions thereof.

25 “~~(2)~~ Such standards of quality shall be such as to

1 protect the public health or welfare and serve the pur-
2 poses of this Act. In establishing standards designed to
3 enhance the quality of such waters, the Secretary shall take
4 into consideration their use and value for public water sup-
5 plies, propagation of fish and wildlife, recreational purposes,
6 and agricultural, industrial, and other legitimate uses.

7 “~~(3)~~ The Secretary shall promulgate standards
8 pursuant to paragraphs ~~(1)~~ and ~~(4)~~ of this subsection with
9 respect to any waters only if, within a reasonable time after
10 being requested by the Secretary to do so, the appropriate
11 States and interstate agencies have not developed standards
12 found by the Secretary to be consistent with paragraph
13 ~~(2)~~ of this subsection and applicable to such interstate waters
14 or portions thereof.

15 “~~(4)~~ The Secretary shall also call a public hearing after
16 reasonable notice on his own motion or when petitioned to do
17 so by the Governor of any State subject to or affected by the
18 water quality standards promulgated pursuant to this sub-
19 section for the purpose of considering a revision in such
20 standards. The Secretary may after reasonable notice and
21 public hearing and consultation with the Secretary of the
22 Interior and with other Federal agencies, with State and
23 interstate water pollution control agencies, and with munic-
24 ipalities and industries involved, prepare revised regulations

1 setting forth standards of water quality to be applicable to
2 interstate waters or portions thereof.

3 ~~“(5) The discharge of matter into such interstate wat-~~
4 ~~ers, which reduces the quality of such waters below the~~
5 ~~water quality standards promulgated by the Secretary pur-~~
6 ~~suant to paragraph (3) of this subsection or established~~
7 ~~by the appropriate State or interstate agencies consistent with~~
8 ~~paragraph (2) of this subsection (whether the matter caus-~~
9 ~~ing or contributing to such reduction is discharged directly~~
10 ~~into such waters or reaches such waters after discharge into~~
11 ~~tributaries of such waters); is subject to abatement in accord-~~
12 ~~ance with the provisions of this section.~~

13 ~~“(6) Nothing in this subsection shall (a) prevent the~~
14 ~~application of this section to any case to which subsection~~
15 ~~(a) of this section would otherwise be applicable, or (b)~~
16 ~~extend Federal jurisdiction over water not otherwise author-~~
17 ~~ized by this Act.~~

18 ~~“(7) All action taken under this section for the adop-~~
19 ~~tion of standards and the promulgation of rules and regula-~~
20 ~~tions shall be taken in conformity with provisions of the Ad-~~
21 ~~ministrative Procedure Act.”~~

22 ~~(c) Paragraph (1) of redesignated subsection (d) of~~
23 ~~the section of the Federal Water Pollution Control Act~~
24 ~~herein redesignated as section 10 is amended by striking out~~
25 ~~the final period after the third sentence of such subsection and~~

1 inserting the following in lieu thereof: “, or he finds that
2 substantial economic injury results from the inability to
3 market shellfish or shellfish products in interstate commerce
4 because of pollution referred to in subsection (a) and action
5 of Federal, State, or local authorities.”

6 ~~(d)~~ Redesignated subsection ~~(f)~~ of the section of the
7 Federal Water Pollution Control Act herein redesignated
8 as section 10 is amended by inserting after the words “such
9 hearing,” in the fourth sentence thereof, the words “including
10 the practicability of complying with such standards as may
11 be applicable”.

12 ~~(e)~~ Redesignated subsection ~~(h)~~ of the section of
13 the Federal Water Pollution Control Act herein redesignated
14 as section 10 is amended by inserting after the words “of
15 practicability” in the second sentence thereof, the words “of
16 complying with such standards as may be applicable”.

17 SEC. 6. The section of the Federal Water Pollution
18 Control Act hereinbefore redesignated as section 12 is
19 amended by adding at the end thereof the following new
20 subsections:

21 “~~(d)~~ Each recipient of assistance under this Act shall
22 keep such records as the Secretary shall prescribe, including
23 records which fully disclose the amount and disposition by
24 such recipient of the proceeds of such assistance, the total
25 cost of the project or undertaking in connection with which

1 such assistance is given or used, and the amount of that por-
2 tion of the cost of the project or undertaking supplied by
3 other sources, and such other records as will facilitate an
4 effective audit.

5 “(e) The Secretary of Health, Education, and Welfare
6 and the Comptroller General of the United States, or any of
7 their duly authorized representatives, shall have access for
8 the purpose of audit and examination to any books, docu-
9 ments, papers, and records of the recipients that are pertinent
10 to the grants received under this Act.”

11 SEC. 7. ~~(a)~~ Section 7(f) ~~(6)~~ of the Federal Water Pol-
12 lution Control Act, as that section is redesignated by this
13 Act, is amended by striking out “section 6(b)(4)” as con-
14 tained therein and inserting in lieu thereof “section 8(b)-
15 (4)”.

16 ~~(b)~~ Section 8 of the Federal Water Pollution Control
17 Act, as that section is redesignated by this Act, is amended
18 by striking out “section 5” as contained therein and inserting
19 in lieu thereof “section 7”.

20 ~~(c)~~ Section 10(b) of the Federal Water Pollution Con-
21 trol Act, as that section is redesignated by this Act, is
22 amended by striking out “subsection (g)” as contained
23 therein and inserting in lieu thereof “subsection (h)”.

24 ~~(d)~~ Section 10(i) of the Federal Water Pollution Con-
25 trol Act, as that section is redesignated by this Act, is

1 amended by striking out “subsection (e)” as contained
2 therein and inserting in lieu thereof “subsection (f)”.

3 ~~(e)~~ Section 11 of the Federal Water Pollution Con-
4 trol Act, as that section is redesignated by this Act, is
5 amended by striking out “section 8(e)(3)” as contained
6 therein and inserting in lieu thereof “section 10(d)(3)”
7 and by striking out “section 8(e)” and inserting in lieu
8 thereof “section 10(f)”.

9 SEC. 8. This Act may be cited as the “Water Quality
10 Act of 1965”.

11 That (a)(1) section 1 of the Federal Water Pollution Con-
12 trol Act (33 U.S.C. 466) is amended by inserting after the
13 words “SECTION 1.” a new subsection (a) as follows:

14 “(a) The purpose of this Act is to enhance the quality
15 and value of our water resources and to establish a national
16 policy for the prevention, control, and abatement of water
17 pollution.”

18 (2) Such section is further amended by redesignating
19 subsections (a) and (b) thereof as (b) and (c), respectively.

20 (3) Subsection (b) of such section (as redesignated
21 by paragraph (2) of this subsection) is amended by strik-
22 ing out the last sentence thereof and inserting in lieu of such
23 sentence the following: “The Secretary of Health, Education,
24 and Welfare (hereinafter in this Act called ‘Secretary’)

1 shall administer this Act through the Administration created
2 by section 2 of this Act, and with the assistance of an Assistant
3 Secretary of Health, Education, and Welfare designated by
4 him, shall supervise and direct (1) the head of such Admin-
5 istration in administering this Act and (2) the administration
6 of all other functions of the Department of Health, Education,
7 and Welfare related to water pollution. Such Assistant Sec-
8 retary shall perform such additional functions as the Secre-
9 tary may prescribe.”

10 (b) Section 2 of Reorganization Plan Numbered 1 of
11 1953, as made effective April 1, 1953, by Public Law 83-13,
12 is amended by striking out “two” and inserting in lieu thereof
13 “three”; and paragraph (17) of subsection (d) of section
14 303 of the Federal Executive Salary Act of 1964 is amended
15 by striking out “(2)” and inserting in lieu thereof “(3)”.

16 SEC. 2. (a) Such Act is further amended by redesign-
17 ating sections 2 through 4, and references thereto, as sections
18 3 through 5, respectively, sections 5 through 14, as sections
19 7 through 16, respectively, by inserting after section 1 the
20 following new section:

21 “FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

22 “SEC. 2. Effective ninety days after the date of enact-
23 ment of this section there is created within the Department
24 of Health, Education, and Welfare a Federal Water Pollu-
25 tion Control Administration (hereinafter in this Act referred

1 to as the 'Administration'). The head of the Adminis-
2 tration shall be appointed, and his compensation fixed, by
3 the Secretary. The head of the Administration may, in addi-
4 tion to regular staff of the Administration, which shall be
5 initially provided from the personnel of the Department,
6 obtain, from within the Department or otherwise as author-
7 ized by law, such professional, technical, and clerical assist-
8 ance as may be necessary to discharge the Administration's
9 functions and may for that purpose use funds available for
10 carrying out such functions; and he may delegate any of his
11 functions to, or otherwise authorize their performance by, any
12 officer or employee of, or assigned or detailed to, the Admin-
13 istration."

14 (b) Subject to such requirements as the Civil Service
15 Commission may prescribe, any commissioned officer of the
16 Public Health Service who, on the day before the effective
17 date of the establishment of the Federal Water Pollution
18 Control Administration, was, as such officer, performing
19 functions relating to the Federal Water Pollution Control
20 Act may acquire competitive civil service status and be trans-
21 ferred to a classified position in the Administration if he so
22 transfers within six months (or such further period as the
23 Secretary of Health, Education, and Welfare may find nec-
24 essary in individual cases) after such effective date. No
25 commissioned officer of the Public Health Service may be

1 transferred to the Administration under this section if he
2 does not consent to such transfer. As used in this section,
3 the term "transferring officer" means an officer transferred
4 in accordance with this subsection.

5 (c)(1) The Secretary shall deposit in the Treasury of
6 the United States to the credit of the civil service retirement
7 and disability fund, on behalf of and to the credit of each
8 transferring officer, an amount equal to that which such
9 individual would be required to deposit in such fund to cover
10 the years of service credited to him for purposes of his retire-
11 ment as a commissioned officer of the Public Health Service
12 to the date of his transfer as provided in subsection (b), but
13 only to the extent that such service is otherwise creditable
14 under the Civil Service Retirement Act. The amount so
15 required to be deposited with respect to any transferring
16 officer shall be computed on the basis of the sum of his basic
17 pay, allowance for quarters, and allowance for subsistence
18 and, in the case of a medical officer, his special pay, during
19 the years of service so creditable, including all such years
20 after June 30, 1960.

21 (2) The deposits which the Secretary of Health, Educa-
22 tion, and Welfare is required to make under this subsection
23 with respect to any transferring officer shall be made within
24 two years after the date of his transfer as provided in subsec-
25 tion (b), and the amounts due under this subsection shall in-

1 *clude interest computed from the period of service credited to*
2 *the date of payment in accordance with section 4(d) of the*
3 *Civil Service Retirement Act (5 U.S.C. 2254(c)).*

4 *(d) All past service of a transferring officer as a com-*
5 *missioned officer of the Public Health Service shall be con-*
6 *sidered as civilian service for all purposes under the Civil*
7 *Service Retirement Act, effective as of the date any such*
8 *transferring officer acquires civil service status as an employee*
9 *of the Federal Water Pollution Control Administration; how-*
10 *ever, no transferring officer may become entitled to benefits*
11 *under both the Civil Service Retirement Act and title II of*
12 *the Social Security Act based on service as such a commis-*
13 *sioned officer performed after 1956, but the individual (or*
14 *his survivors) may irrevocably elect to waive benefit credit*
15 *for the service under one Act to secure credit under the other.*

16 *(e) A transferring officer on whose behalf a deposit is*
17 *required to be made by subsection (c) and who, after transfer*
18 *to a classified position in the Federal Water Pollution Control*
19 *Administration under subsection (b), is separated from Fed-*
20 *eral service or transfers to a position not covered by the Civil*
21 *Service Retirement Act, shall not be entitled, nor shall his*
22 *survivors be entitled, to a refund of any amount deposited*
23 *on his behalf in accordance with this section. In the event*
24 *he transfers, after transfer under subsection (b), to a position*
25 *covered by another Government staff retirement system under*

1 *which credit is allowable for service with respect to which a*
2 *deposit is required under subsection (c), no credit shall be*
3 *allowed under the Civil Service Retirement Act with respect*
4 *to such service.*

5 *(f) Each transferring officer who prior to January 1,*
6 *1957, was insured pursuant to the Federal Employees' Group*
7 *Life Insurance Act of 1954, and who subsequently waived*
8 *such insurance, shall be entitled to become insured under such*
9 *Act upon his transfer to the Federal Water Pollution Control*
10 *Administration regardless of age and insurability.*

11 *(g) Any commissioned officer of the Public Health Serv-*
12 *ice who, pursuant to subsection (b) of this section, is trans-*
13 *ferred to a position in the Federal Water Pollution Control*
14 *Administration which is subject to the Classification Act of*
15 *1949, as amended, shall receive a salary rate of the General*
16 *Schedule grade of such position which is nearest to but not*
17 *less than the sum of (1) basic pay, quarters and subsistence*
18 *allowances, and, in the case of a medical officer, special pay,*
19 *to which he was entitled as a commissioned officer of the*
20 *Public Health Service on the day immediately preceding his*
21 *transfer, and (2) an amount equal to the equalization factor*
22 *(as defined in this subsection); but in no event shall the rate*
23 *so established exceed the maximum rate of such grade. As*
24 *used in this section, the term "equalization factor" means an*
25 *amount determined by the Secretary to be equal to the sum of*

1 (A) $6\frac{1}{2}$ per centum of such basic pay and (B) the amount
2 of Federal income tax which the transferring officer, had he
3 remained a commissioned officer, would have been required to
4 pay on such allowances for quarters and subsistence for the
5 taxable year then current if they had not been tax free.

6 (h) A transferring officer who has had one or more
7 years of commissioned service in the Public Health Service
8 immediately prior to his transfer under subsection (b) shall,
9 on the date of such transfer, be credited with thirteen days
10 of sick leave.

11 (i) Notwithstanding the provisions of any other law,
12 any commissioned officer of the United States Public Health
13 Service with twenty-five or more years of service who has held
14 the temporary rank of Assistant Surgeon General in the Divi-
15 sion of Water Supply and Pollution Control of the United
16 States Public Health Service for three or more years and
17 whose position and duties are affected by this Act, may, with
18 the approval of the President, voluntarily retire from the
19 United States Public Health Service with the same retire-
20 ment benefits that would accrue to him if he had held the rank
21 of Assistant Surgeon General for a period of four years or
22 more if he so retires within ninety days of the date of the
23 establishment of the Federal Water Pollution Control Ad-
24 ministration.

25 (j) Nothing contained in this section shall be construed

1 to restrict or in any way limit the head of the Federal Water
2 Pollution Control Administration in matters of organization
3 or in otherwise carrying out his duties under section 2 of
4 this Act as he deems appropriate to the discharge of the
5 functions of such Administration.

6 (k) The Surgeon General shall be consulted by the
7 head of the Administration on the public health aspects re-
8 lating to water pollution over which the head of such Ad-
9 ministration has administrative responsibility.

10 SEC. 3. Such Act is further amended by inserting after
11 the section redesignated as section 5 a new section as follows:

12 "GRANTS FOR RESEARCH AND DEVELOPMENT

13 "SEC. 6. (a) The Secretary is authorized to make
14 grants to any State, municipality, or intermunicipal or inter-
15 state agency for the purpose of assisting in the development of
16 any project which will demonstrate a new or improved
17 method of controlling the discharge into any waters of
18 untreated or inadequately treated sewage or other waste
19 from sewers which carry storm water or both storm water
20 and sewage or other wastes, and for the purpose of reports,
21 plans, and specifications in connection therewith. The Secre-
22 tary is authorized to provide for the conduct of research and
23 demonstrations relating to new or improved methods of con-
24 trolling the discharge into any waters of untreated or in-
25 adequately treated sewage or other waste from sewers which

1 carry storm water or both storm water and sewage or other
2 wastes, by contract with public or private agencies and insti-
3 tutions and with individuals without regard to sections 3648
4 and 3709 of the Revised Statutes, except that not to exceed 25
5 per centum of the total amount appropriated under authority
6 of this section for any fiscal year may be expended under
7 authority of this sentence during such fiscal year.

8 “(b) Federal grants under this section shall be subject to
9 the following limitations: (1) No grant shall be made for
10 any project pursuant to this section unless such project
11 shall have been approved by an appropriate State water
12 pollution control agency or agencies and by the Secretary;
13 (2) no grant shall be made for any project in an amount
14 exceeding 50 per centum of the estimated reasonable cost
15 thereof as determined by the Secretary; (3) no grant shall
16 be made for any project under this section unless the Sec-
17 retary determines that such project will serve as a useful
18 demonstration of a new or improved method of controlling
19 the discharge into any water of untreated or inadequately
20 treated sewage or other waste from sewers which carry
21 storm water or both storm water and sewage or other wastes.

22 “(c) There are hereby authorized to be appropriated for
23 the fiscal year ending June 30, 1965, and for each of the
24 next three succeeding fiscal years, the sum of \$20,000,000
25 per fiscal year for the purpose of making grants under this

1 section. Sums so appropriated shall remain available until
2 expended. No grant shall be made for any project in an
3 amount exceeding 5 per centum of the total amount authorized
4 by this section in any one fiscal year.”

5 SEC. 4. (a) Clause (2) of subsection (b) of the sec-
6 tion of the Federal Water Pollution Control Act herein
7 redesignated as section 8 is amended by striking out
8 “\$600,000,” and inserting in lieu thereof “\$1,200,000,”.

9 (b) The second proviso in clause (2) of subsection (b)
10 of such redesignated section 8 is amended by striking out
11 “\$2,400,000,” and inserting in lieu thereof “\$4,800,000,”.

12 (c) Subsection (b) of such redesignated section 8 is
13 amended by adding at the end thereof the following: “The
14 limitations of \$1,200,000 and \$4,800,000 imposed by clause
15 (2) of this subsection shall not apply in the case of grants
16 made under this section from funds allocated under the third
17 sentence of subsection (c) of this section if the State agrees
18 to match equally all Federal grants made from such allocation
19 for projects in such State.”

20 (d)(1) The second sentence of subsection (c) of such
21 redesignated section 8 is amended by striking out “for any
22 fiscal year” and inserting in lieu thereof “for each fiscal
23 year ending on or before June 30, 1965, and the first
24 \$100,000,000 appropriated pursuant to subsection (d) for
25 each fiscal year beginning on or after July 1, 1965,”.

1 (2) Subsection (c) of such redesignated section 8 is
2 amended by inserting immediately after the period at the end
3 of the second sentence thereof the following: "All sums in
4 excess of \$100,000,000 appropriated pursuant to subsection
5 (d) for each fiscal year beginning on or after July 1, 1965,
6 shall be allotted by the Secretary from time to time, in accord-
7 ance with regulations, in the ratio that the population of each
8 State bears to the population of all States."

9 (3) The third sentence of subsection (c) of such redesign-
10 ated section 8 is amended by striking out "the preceding
11 sentence" and inserting in lieu thereof "the two preceding
12 sentences".

13 (4) The next to the last sentence of subsection (c) of
14 such redesignated section 8 is amended by striking out "and
15 third" and inserting in lieu thereof ", third, and fourth".

16 (e) The last sentence of subsection (d) of such redesign-
17 ated section 8 is amended to read as follows: "Sums so
18 appropriated shall remain available until expended. At
19 least 50 per centum of the funds so appropriated for each
20 fiscal year ending on or before June 30, 1965, and at least
21 50 per centum of the first \$100,000,000 so appropriated
22 for each fiscal year beginning on or after July 1, 1965,
23 shall be used for grants for the construction of treatment
24 works servicing municipalities of one hundred and twenty-five
25 thousand population or under."

1 (f) Subsection (d) of such redesignated section 8 is
2 amended by striking out “\$100,000,000 for the fiscal year
3 ending June 30, 1966, and \$100,000,000 for the fiscal year
4 ending June 30, 1967.” and inserting in lieu thereof
5 “\$150,000,000 for the fiscal year ending June 30, 1966,
6 and \$150,000,000 for the fiscal year ending June 30, 1967.”

7 (g) Subsection (f) of such redesignated section 8 is
8 redesignated as subsection (g) thereof and is amended by
9 adding at the end thereof the following new sentence: “The
10 Secretary of Labor shall have, with respect to the labor
11 standards specified in this subsection, the authority and func-
12 tions set forth in Reorganization Plan Numbered 14 of 1950
13 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z—15) and
14 section 2 of the Act of June 13, 1934, as amended (48
15 Stat. 948; 40 U.S.C. 276c).”

16 (h) Such redesignated section 8 is further amended by
17 inserting therein, immediately after subsection (e) thereof,
18 the following new subsection:

19 “(f) Notwithstanding any other provisions of this sec-
20 tion, the Secretary may increase the amount of a grant made
21 under subsection (b) of this section by an additional 10 per
22 centum of the amount of such grant for any project which has
23 been certified to him by an official State, metropolitan, or
24 regional planning agency empowered under State or local
25 laws or interstate compact to perform metropolitan or regional

1 planning for a metropolitan area within which the assistance
2 is to be used, or other agency or instrumentality designated
3 for such purposes by the Governor (or Governors in the case
4 of interstate planning) as being in conformity with the com-
5 prehensive plan developed or in process of development for
6 such metropolitan area. For the purposes of this subsection,
7 the term 'metropolitan area' means either (1) a standard
8 metropolitan statistical area as defined by the Bureau of the
9 Budget, except as may be determined by the President as not
10 being appropriate for the purposes hereof, or (2) any urban
11 area, including those surrounding areas that form an eco-
12 nomic and socially related region, taking into consideration
13 such factors as present and future population trends and pat-
14 terns of urban growth, location of transportation facilities
15 and systems, and distribution of industrial, commercial, resi-
16 dential, governmental, institutional, and other activities, which
17 in the opinion of the President lends itself as being appro-
18 priate for the purposes hereof."

19 SEC. 5. (a) Subsection (f) of the section of the Federal
20 Water Pollution Control Act herein redesignated as section
21 7 is amended by striking out "and" at the end of clause (5)
22 and by inserting at the end of such subsection the following:

23 " (7) provides that the State will file with the Sec-
24 retary a letter of intent that such State will establish
25 on or before June 30, 1967, water quality criteria ap-

1 *plicable to interstate waters and portions thereof within*
2 *such State, and no State shall receive any funds under*
3 *this Act after ninety days following the date of enact-*
4 *ment of this clause until such a letter is so filed with*
5 *the Secretary.”*

6 *(b) Paragraph (1) of subsection (c) of the section of*
7 *the Federal Water Pollution Control Act herein redesignated*
8 *as section 10 is amended by striking out the final period after*
9 *the third sentence of such subsection and inserting the follow-*
10 *ing in lieu thereof: “; or he finds that substantial economic in-*
11 *jury results from the inability to market shellfish or shellfish*
12 *products in interstate commerce because of pollution referred*
13 *to in subsection (a) and action of Federal, State, or local*
14 *authorities.”*

15 *(c) Subsection (e) of such redesignated section 10 of*
16 *the Federal Water Pollution Control Act is amended by*
17 *inserting immediately after the period at the end of the third*
18 *sentence thereof the following: “In connection with any*
19 *such hearing, the Secretary or his designee shall have power*
20 *to administer oaths and to compel the presence and testimony*
21 *of witnesses and the production of any evidence that relates*
22 *to any matter under investigation at such hearing, by the*
23 *issuance of subpoenas. No person shall be required under this*
24 *subsection to divulge trade secrets or secret processes. Wit-*

1 nesses so subpoenaed shall be paid the same fees and mileage
2 as are paid witnesses in the district courts of the United
3 States. In case of contumacy by, or refusal to obey a sub-
4 pena duly served upon, any person, any district court of the
5 United States for the judicial district in which such person
6 charged with contumacy or refusal to obey is found or re-
7 sides or transacts business, upon application by the Secre-
8 tary or the Attorney General, shall have jurisdiction to issue
9 an order requiring such person to appear and give testimony,
10 or to appear and produce evidence, or both. Any failure
11 to obey such order of the court may be punished by the
12 court as contempt thereof.”

13 SEC. 6. The section of the Federal Water Pollution Con-
14 trol Act hereinbefore redesignated as section 12 is amended
15 by adding at the end thereof the following new subsections:

16 “(d) Each recipient of assistance under this Act shall
17 keep such records as the Secretary shall prescribe, including
18 records which fully disclose the amount and disposition by
19 such recipient of the proceeds of such assistance, the total
20 cost of the project or undertaking in connection with which
21 such assistance is given or used, and the amount of that por-
22 tion of the cost of the project or undertaking supplied by
23 other sources, and such other records as will facilitate an
24 effective audit.

1 “(e) *The Secretary of Health, Education, and Welfare*
2 *and the Comptroller General of the United States, or any of*
3 *their duly authorized representatives, shall have access for the*
4 *purpose of audit and examination to any books, documents,*
5 *papers, and records of the recipients that are pertinent to the*
6 *grants received under this Act.*”

7 *SEC. 7. (a) Section 7(f)(6) of the Federal Water Pol-*
8 *lution Control Act, as that section is redesignated by this*
9 *Act, is amended by striking out “section 6(b)(4).” as con-*
10 *tained therein and inserting in lieu thereof “section*
11 *8(b)(4); and”.*

12 *(b) Section 8 of the Federal Water Pollution Control*
13 *Act, as that section is redesignated by this Act, is amended*
14 *by striking out “section 5” as contained therein and inserting*
15 *in lieu thereof “section 7”.*

16 *(c) Section 11 of the Federal Water Pollution Control*
17 *Act, as that section is redesignated by this Act, is amended*
18 *by striking out “section 8(c)(3)” as contained therein*
19 *and inserting in lieu thereof “section 10(c)(3)” and by*
20 *striking out “section 8(e)” and inserting in lieu thereof*
21 *“section 10(e)”.*

22 *SEC. 8. This Act may be cited as the “Water Quality*
23 *Act of 1965”.*

Amend the title so as to read: “An Act to amend the Federal Water Pollution Control Act to establish a Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of sewage treatment works, to require establishment of water quality criteria, and for other purposes.”

Passed the Senate January 28, 1965.

Attest:

FELTON M. JOHNSTON,

Secretary.

89TH CONGRESS
1ST SESSION

S. 4

[Report No. 215]

AN ACT

To amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes.

FEBRUARY 1, 1965

Referred to the Committee on Public Works

MARCH 31, 1965

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

(For information only;
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OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C.

20250

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U. S. Department of Agriculture

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For actions of April 14, 1965

89th-1st; No. 67

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HIGHLIGHTS: House committee voted to report bill to implement International Coffee Agreement. Senate committee voted to report foreign aid authorization bill. House Rules Committee cleared water pollution control bill. Rep. Ryan introduced and discussed farm labor bills. Rep. Poage introduced bill to establish U. S. Agricultural Land Development Corporation.

HOUSE

1. WATER POLLUTION. The Rules Committee reported a resolution for consideration of S. 4, the proposed Water Quality Act of 1965, which provides for the establishment of a Federal Water Pollution Control Administration in HEW. p. 7792
2. COFFEE. The Ways and Means Committee voted to report (but did not actually report) S. 701 to carry out the obligations of the U. S. under the International Coffee Agreement (p. D302). The committee was granted permission to file a report on the bill by midnight Mon., Apr. 19 (p. 7751).
3. TRANSPORTATION. The Interstate and Foreign Commerce Committee voted to report (but did not actually report) with amendment H. R. 5401, to amend the Interstate Commerce Act so as to strengthen and improve the national transportation system. p. D301

4. RECLAMATION. The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendment H. R. 485, to authorize construction of the Auburn-Folsom south unit, American River division, Central Valley project, Calif., reclamation project. p. D301
5. WATERSHEDS. The "Daily Digest" states that the Watershed Development Subcommittee of the Public Works Committee "approved four watershed projects." p. D301
6. ECONOMIC REPORT. The House Administration Committee voted to report (but did not actually report) H. Res. 289, to authorize the printing of additional copies of H. Rept. 175, the report of the Joint Economic Committee on the President's 1965 Economic Report. p. D301
7. PACKERS AND STOCKYARDS. Rep. Hull inserted the text of a bill he intends to introduce to amend the Packers and Stockyards Act of 1921. pp. 7755-7
8. FARM PRICES. Rep. Talcott expressed concern over the level of farm prices and costs and disputed statements that consumers would be willing to pay higher prices for farm commodities. p. 7768
9. NATIONAL PARK. The Interior and Insular Affairs Committee reported with amendment H. R. 908, to authorize the Secretary of the Interior to designate the Nez Perce National Historical Park, Idaho (H. Rept. 238). p. 7792
10. FARM LABOR. Rep. Roncalio expressed concern over the farm labor situation and urged the Secretary of Labor to permit the entrance of foreign workers to help harvest the sugar beet crops. pp. 7764-6
11. STOCKPILE. The Armed Services Committee reported without amendment H. Con. Res. 100, expressing the approval of Congress for the disposal of raw silk and silk noils from the national stockpile (H. Rept. 240). p. 7792
12. APPROPRIATIONS. Rep. Mahon inserted a recapitulation of appropriation bills acted on by the House so far this session. pp. 7731-2
13. POVERTY. Rep. Todd inserted a speech discussing the poverty program, "The Economic Opportunities Act and the Antipoverty Program." pp. 7753-4
14. FOREIGN AGRICULTURE. Rep. O'Hara inserted an article reviewing economic conditions in Africa, including reference to agriculture. pp. 7757-8
15. ELECTRIFICATION. Rep. Saylor criticized the proposed construction of the Bridge Canyon and Marble Canyon Dams on the Colorado River and inserted an article in support of his position. pp. 7761-4
16. FOREIGN CURRENCIES. Rep. Burleson inserted tabulations on the use of foreign currencies for foreign travel by members of the House Education and Labor Committee. pp. 7791-2
17. LAW. Received from the Administrative Office of the U. S. Courts a proposed bill "to provide for the temporary transfer to a single district for coordinated or consolidated pretrial proceedings of civil actions pending in different districts which involve one or more common questions of fact"; to Judiciary Committee. p. 7792

CONSIDERATION OF S. 4

APRIL 14, 1965.—Referred to the House Calendar and ordered to be printed

Mr. MADDEN, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. 339]

The Committee on Rules, having had under consideration House Resolution 339, report the same to the House with the recommendation that the resolution do pass.

○

House Calendar No. 51

89TH CONGRESS
1ST SESSION

H. RES. 339

[Report No. 246]

IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 1965

Mr. MADDEN, from the Committee on Rules, reported the following resolution;
which was referred to the House Calendar and ordered to be printed

RESOLUTION

1 *Resolved*, That upon the adoption of this resolution it
2 shall be in order to move that the House resolve itself into
3 the Committee of the Whole House on the State of the
4 Union for the consideration of the bill (S. 4) to amend the
5 Federal Water Pollution Control Act, as amended, to estab-
6 lish the Federal Water Pollution Control Administration,
7 to provide grants for research and development, to increase
8 grants for construction of municipal sewage treatment works,
9 to authorize the establishment of standards of water quality
10 to aid in preventing, controlling, and abating pollution of
11 interstate waters, and for other purposes. After general
12 debate, which shall be confined to the bill and shall con-

1 tinue not to exceed two hours, to be equally divided and
2 controlled by the chairman and ranking minority member
3 of the Committee on Public Works, the bill shall be read
4 for amendment under the five-minute rule. It shall be in
5 order to consider without the intervention of any point of
6 order the substitute amendment recommended by the Com-
7 mittee on Public Works now in the bill and such substitute
8 for the purpose of amendment shall be considered under the
9 five-minute rule as an original bill. At the conclusion of
10 such consideration the Committee shall rise and report the
11 bill to the House with such amendments as may have been
12 adopted, and any Member may demand a separate vote
13 in the House on any of the amendments adopted in the Com-
14 mittee of the Whole to the bill or committee substitute. The
15 previous question shall be considered as ordered on the bill
16 and amendments thereto to final passage without intervening
17 motion except one motion to recommit with or without
18 instructions.

H. RES. 339

[Report No. 246]

RESOLUTION

Providing for consideration of S. 4, a bill to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes.

By Mr. MADDEN

APRIL 14, 1965

Referred to the House Calendar and ordered to be printed



Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C. 20250

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For actions of April 28, 1965

89th-1st; No. 75

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HIGHLIGHTS: House received conference report on second supplemental appropriation bill. House passed water pollution control bill. House committee voted to report Northwest flood disaster relief bill. House Rules Committee cleared omnibus transportation bill. Senate committee reported foreign aid authorization bill. Sen. Tower introduced and discussed bill to transfer Division of Predator and Rodent Control from Interior to USDA. Sen. McGovern introduced and discussed bill to provide assured supply of milk for assistance programs.

HOUSE

1. WATER POLLUTION. By a vote of 396 to 0, passed with amendments S. 4, the proposed Water Quality Act of 1965 (pp. 8362-8400, 8438-9). As passed the bill includes provisions as follows: Provides for the creation of a Federal Water Pollution Control Administration in HEW. Authorizes a 4-year program at an annual level of \$20 million for grants to develop projects which will demonstrate new or improved methods of controlling waste discharges from storm sewers or combined storm and sanitary sewers. Authorizes an increase in the

ceiling limitations on grants for construction of waste treatment works from \$600,000 to \$1.2 million for an individual project and from \$2.4 million to \$4.8 million for a joint project in which two or more communities participate.

2. FLOOD DISASTER RELIEF. The Public Works Committee voted to report (but did not actually report) with amendment H. R. 7303, to provide assistance to Calif., Ore., Wash., Nev., and Idaho for the reconstruction of areas damaged by recent floods and high waters. p. D331
3. FORESTRY; PUBLIC LANDS. The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 396, to provide that until June 30, 1968, Congress shall be notified of certain proposed public land actions. p. D330
4. FLOOD CONTROL; RIVER BASINS. The Public Works Committee voted to report (but did not actually report) H. R. 6755, to authorize additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control. p. D330
5. TRANSPORTATION. The Rules Committee reported a resolution for consideration of H. R. 5401, to amend the Interstate Commerce Act so as to strengthen and improve the national transportation system. p. 8452
6. WATERSHEDS. The "Daily Digest" states that the Public Works Committee "approved four watershed projects and seven flood control resolutions." p. D331
7. HEALTH. The Rules Committee reported resolutions for consideration of H. R. 2984, to amend the Public Health Service Act provisions for construction of health research facilities, and H. R. 2986, to extend and amend certain provisions of the Public Health Service Act relating to community health services. p. 8452
8. APPROPRIATIONS. Permission was granted the Appropriations Committee to file by midnight, Thurs., Apr. 29, a report on the Departments of Labor and HEW and related agencies appropriation bill for 1966. p. 8357
9. FOREIGN AID. Rep. Erlenborn criticized foreign aid expenditures abroad and cited reports of GAO in support of his position. pp. 8408-9
10. FOREIGN TRADE. Rep. Saylor inserted a "set of documents illustrating the policies adopted by other countries to assure their own industries and workers - at the exclusion of foreigners - of obtaining public works contracts." pp. 8426-32

SENATE

11. PESTICIDES. The Commerce Committee reported with amendment S. 1623, to authorize a continued study by the Department of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife (S. Rept. 169). p. 8456
12. FOREIGN AID. The Foreign Relations Committee reported an original bill, S. 1837, to amend the Foreign Assistance Act of 1961 (S. Rept. 170). p. 8456

SUBCOMMITTEE ON TRANSPORTATION OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Transportation of the Committee on Interstate and Foreign Commerce be permitted to sit during general debate this afternoon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

CORRECTION OF RECORD

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to correct my remarks on page 8320 of the CONGRESSIONAL RECORD of April 27, 1965, in the following manner:

Change the 12th and 13th lines from the bottom of column 1, and following the words "went down to Alabama" to read "Emily Taft Douglas, herself a former distinguished Member of the House, and the."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. O'HARA]?

There was no objection.

THE LATE THOMAS A. FLAHERTY

(Mr. O'NEILL of Massachusetts asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. O'NEILL of Massachusetts. Mr. Speaker, it is with heartfelt regret that I announce that former Congressman Thomas A. Flaherty of Boston passed away this morning. Mr. Flaherty was elected to the Congress in 1937 and served until 1942. He was one of the most beloved, able, and competent officials we ever had in our area of the country. Tom was loved by all.

After he left the Congress of the United States, willingly—he did not run for reelection in 1943—he became a public utilities commissioner. He enjoyed a full life of many honors working for the public. He was a man of greatest ability and outstanding integrity.

Mrs. O'Neill and my family offer our very heartfelt sympathies to the family of Mr. Flaherty.

Mr. McCORMACK. Mr. Speaker will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the distinguished Speaker.

Mr. McCORMACK. Mr. Speaker, it is with sadness that I rise to pay tribute to my good friend and former colleague, Thomas A. Flaherty, who has passed away.

The Commonwealth of Massachusetts and all America has lost a valuable public servant and I feel a great personal loss.

Thomas Flaherty not only knew his Government, but he had a great faith in our way of life and the institutions of democracy.

He was born in Boston on December 21, 1898, and attended the public schools of that city. He also attended Northeastern University Law School at Boston.

During the First World War Mr. Flaherty served as a private in the U.S. Army in 1918. Subsequently he continued to serve his country, and especially the veterans, when he was employed with the U.S. Veterans' Administration in Boston from 1920 to 1934.

His vital interest in the political life of our Commonwealth caused him to run for public office and he served as a member of the State house of representatives for 2 years.

He was elected as a Democrat to the 75th Congress of the United States to fill the vacancy caused by the resignation of John P. Higgins and was reelected to the 76th and 77th Congresses. He served in this legislative body from December 14, 1937, to January 3, 1943, and was not a candidate for renomination.

Returning to his native city, Tom Flaherty served as transit commissioner of the city of Boston for 2 years; as chairman of the Department of Public Utilities of Massachusetts from 1936 to 1953, as commissioner from 1953 to 1955, and chairman of the board of review, Assessing Department, city of Boston, from 1956 to 1960.

There is one thing we can never forget about Tom Flaherty, and that was his constant demonstration of the results of hard work. He made his own way in the world and never complained. He looked toward a goal and attained it.

He was a loyal Democrat, but first of all he was a loyal American.

Time will continue to reveal Tom Flaherty's contributions to his local community, to his State, and to his Nation. He was a fervent patriot. He loved his country. He respected the Congress and the House of Representatives. He was completely devoted to duty. I am proud to have called him my friend.

Mrs. McCormack and I extend to Mrs. Flaherty our deep sympathy in her great loss and sorrow.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Speaker, I consider it a great privilege to join the gentleman from Massachusetts in paying tribute to our late friend and colleague, Mr. Flaherty.

It was my opportunity and pleasure to serve with him in the House where I became acquainted with him. He was a delightful gentleman, a very able Representative and, as the gentleman said, he left the House willingly to return to the State of Massachusetts in other positions.

I remember at the time we all wished him well. He left many friends behind, and we are grieved at his passing.

[Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Appendix.]

CALL OF THE HOUSE

Mr. CONTE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The gentleman from Massachusetts makes

the point of order that a quorum is not present. Evidently, a quorum is not present.

Mr. HARRIS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 80]

| | | |
|---------------|---------------|----------------|
| Arends | Glaimo | O'Hara, Mich. |
| Ashbrook | Gibbons | Powell |
| Ashley | Goodell | Redlin |
| Bandstra | Halpern | Resnick |
| Baring | Hanna | Rivers, Alaska |
| Bolton | Hansen, Wash. | Rogers, Tex. |
| Brademas | Hawkins | Schisler |
| Brown, Calif. | Hays | Scott |
| Cooley | Holland | Sisk |
| Corman | Jarman | Stephens |
| Culver | Jones, Ala. | Teague, Tex. |
| Dawson | Keith | Toll |
| Dickinson | Latta | Van Deerlin |
| Diggs | McDowell | Waggonner |
| Dingell | Moeller | White, Idaho |
| Duncan, Oreg. | Morrison | Willis |
| Everett | Morse | |
| Farnsley | Nix | |

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 381 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SUCCESSION TO THE PRESIDENCY AND VICE-PRESIDENCY

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

The Chair hears none, and without objection appoints the following conferees: MESSRS. CELLER, ROGERS of Colorado, CORMAN, McCULLOCH, and POFF.

There was no objection.

THE LATE HONORABLE WILLIAM F. BRUNNER

(Mr. CELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CELLER. Mr. Speaker, it is with sadness that I announce the death of the late lamented William F. Brunner, a former Member of this House. Our former colleague and my esteemed friend, Bill Brunner, has unfortunately left us. He will be sadly missed by all who knew him and the many for whom he performed countless acts of kindness with humility and without fanfare.

Mr. Speaker, Bill was a lifelong resident of Queens County of the city of New York. He served as a member of the New York State Assembly from 1922 to 1928 and then was elected as a Democrat to the 71st and three succeeding Congresses, when he resigned in 1935 to

serve in other public offices of the county of Queens and New York City.

In later years Bill resumed the insurance and real estate business but he never lost active interest in civic affairs and the community in which he lived. The Peninsula General Hospital in Edgemere, Long Island, of which he was president, was near and dear to his heart and he worked tirelessly to expand and help improve its facilities.

I knew him as a benign character. He was always kind in words and in action. We were enriched indeed by his having passed amongst us, and we are saddened by his departure. He has gone to that undiscovered country from whose bourne no traveler returns.

He leaves a good name, and a good name is like the acrostic; you read it from right to left, or up or down, and a good name always spells goodness. As the Psalmist said:

Better is the fragrance of a good name than the perfume of precious oils.

Our condolences go forth to the members of his family, and we mourn his passing.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER pro tempore (Mr. ALBERT). The Chair will count. [After counting.] Evidently a quorum is not present.

Mr. MADDEN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 81]

| | | |
|---------------|---------------|----------------|
| Arends | Hawkins | Pool |
| Ashbrook | Holland | Powell |
| Ashley | Hull | Randall |
| Baring | Hungate | Resnick |
| Bates | Ichord | Reuss |
| Belcher | Jacobs | Rivers, Alaska |
| Bolton | Jarman | Schlsler |
| Brademas | Jones, Ala. | Schweiker |
| Brown, Calif. | Jones, Mo. | Scott |
| Conte | Karsten | Senner |
| Cooley | Keith | Slisk |
| Corman | Leggett | Smith, Calif. |
| Culver | Lindsay | Sullivan |
| Davis, Wis. | Long, La. | Teague, Calif. |
| Dingell | Martin, Mass. | Toll |
| Duncan, Oreg. | Mathias | Tupper |
| Everett | Matsunaga | Van Deerlin |
| Farnsley | May | Waggoner |
| Gialmo | Moeller | Weltner |
| Gibbons | Moorhead | White, Idaho |
| Gubser | Morrison | Williams |
| Halpern | Morse | Willis |
| Hanna | Nix | Young |
| Hansen, Idaho | Patman | |

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 362 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CORRECTION OF ROLL CALL

Mr. GETTYS. Mr. Speaker, on the first quorum call today I am recorded as absent. I was present and answered to my name. I ask unanimous consent that the permanent RECORD be corrected accordingly.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

WATER QUALITY ACT OF 1965

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 339 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 339

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 4) to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Public Works now in the bill and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(Mr. MADDEN asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. MADDEN. Mr. Speaker House Resolution 339 provides for consideration of S. 4, a bill to amend and expand the Federal Water Pollution Control Act. It would establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes. The resolution provides an open rule, waiving points of order, with 2 hours of debate, making it in order to consider the substitute now in the bill.

No more important single problem faces this country today than the problem of good water. Water is our greatest single natural resource. The issue of pure water must be settled now for the benefit not only of this generation but for untold generations to come. The need for good quality water for all

of our Nation's uses—public and private—is a paramount one.

The Calumet industrial region of Indiana comprises the First Congressional District which I represent in Congress. It is the No. 1 congressional district in the United States in relation to industrial concentration in the Gary, Hammond, East Chicago, Whiting area. Three major steel mills; Carnegie Illinois, Inland, Youngstown, and a number of smaller steel and smelter plants along with refineries of all major oil companies, and several hundred other large and small industries are located in this area. During the last quarter of a century these industries have expanded many times in production capacity. The major pollution to lakes and streams and especially beautiful Lake Michigan comes from the industrial waste from these plants.

Adjoining the Calumet region on the north is the large industrial complex of the city of Chicago and the same statement can be made regarding the pollution and waste expulsion into the waters of Lake Michigan as exists across the State line in Indiana.

The Hammond, Ind., Times reported recently a speech made by Richard Woodley of the Indiana State Board of Health. Mr. Woodley declared:

The people are fed up with pollution and they want something done about it right away regardless if the action is local, State, or Federal.

Mr. Woodley is chief of the industrial waste section of the Indiana Board of Health. He continues:

As examples of the heavy concentration of pollution in the area waterways, Woodley reported outfalls were detected on a daily basis in these amounts: Oil, 106,000 pounds per day of which steel industries were responsible for 90 percent and the oil refineries the remaining 10 percent; ammonia, 500,000 pounds; phenols, 5,000 pounds; cyanides, 3,000 pounds.

These examples show why there is a large-scale effort underway to halt pollution.

The drinking water supply for approximately 600,000 people in the Calumet region and millions in the Chicago area is taken out of the waters of Lake Michigan adjacent to the shores from which this great industrial concentration is daily pouring industrial waste and other contaminating pollution into Lake Michigan. The health of approximately 7 million people in the Chicagoland and Indiana area is jeopardized and threatened by this inexcusable pollution into the formerly pure waters of Lake Michigan. Inland lakes and streams not only in this area but throughout Indiana, Illinois, and other States in the Union have already been contaminated by Government indifference toward enacting legislation to halt this health hazard to millions of our citizens.

The New York Times of April 18 had an extended three-page comment in its magazine section regarding the Raritan River in New Jersey. The Raritan River at the turn of the century was known as the "Queen of Rivers" with pure flowing

waters coming from the mountains and hills without the least bit of contamination. An English poet, John Davis, described this river in the past century as the "queen of rivers." The article continued in stating that in the 1920's with the heavy concentration of industry and its depositing of waste and pollution from the towns and cities along its 100-mile shoreline, it became known as the "queen of sewers."

During the last 6 or 7 years, industries along this formerly "queen of rivers" have joined together in an effort to curb industrial waste from being deposited in the Raritan River. Great success has been accomplished by reason of the installation by these industries of modern methods to dispose of waste products and the river is gradually being restored to its former natural beauty and cleanliness.

The article further states that a complete recovery cannot be made until effective laws are passed to eliminate waste products from all industries along its borders, and it will, in a few years be restored to its title as "Queen of Rivers" with swimming, bathing, fishing, boating, and all the outdoor pleasures which its adjoining population took such delight and satisfaction in former years.

This Congress has made wonderful progress in legislation for the interest of millions of Americans so far this session. One of the real problems to be solved pertaining to the Nation's health is involved in this legislation pertaining to water pollution which we are considering today. It involves the health and welfare of every citizen in the United States regardless of whether he lives in an area that is a victim of pollution or out in the wide and open spaces where heavy concentration of industry is not a threat to outdoor recreations, and the welfare of wildlife, and enjoyment of which millions of our citizens have been deprived.

It has been nearly 9 years since the Congress, with the enactment of Public Law 660, 84th Congress, established the first permanent national program for a comprehensive attack on water pollution. The Federal role was fixed as one of support for the activities of the States, interstate agencies, and localities. The Federal Water Pollution Control Act authorized financial assistance for construction of municipal waste-treatment works, comprehensive river basin programs for water pollution control, research, and enforcement. It provided, too, for technical assistance, the encouragement of interstate compacts and uniform State laws, grants for State programs, the appointment of a Federal Water Pollution Control Advisory Board, and a cooperative program for the control of pollution from Federal installations.

The impact of the Federal Water Pollution Control Act has been impressive. It has taken us in less than 9 years from a situation in which untrammelled pollution threatened to foul the Nation's waterways beyond hope of restoration, to a point where we are holding our own. But that is not enough. The unprecedented and continuing population and economic growth are imposing ever-in-

creasing demands upon our available water supplies. The accompanying trends toward increased urbanization and marked rapid technological change create new and complex water quality problems further diminishing the available supplies. S. 4 is a further and necessary step in continuing efforts to bring about proper water pollution control and a full upgrading of the water quality of our streams, rivers, and lakes.

Mr. Speaker, I urge the adoption of House Resolution 339.

Mr. Speaker, under unanimous consent, I incorporate with my remarks excerpts from the April 15 edition of the Chicago Tribune on the meeting of 68 industrialists, sanitation experts, and Federal and State officials meeting in Chicago, Ill., March 2-9, to discuss Lake Michigan pollution:

Sixty-eight industrialists, sanitation experts, and officials of the Federal Government, and of Illinois and Indiana State and local governments, met from March 2 to 9 in Chicago to discuss ways to end the pollution.

DANGER TO HEALTH

Celebrezze called the conference after determining that polluted water at the lower end of the lake and the streams feeding it "endangered health and welfare" in both Illinois and Indiana.

Celebrezze said the pollution of the interstate waters of the Grand Calumet River, Little Calumet River, Calumet River, Wolf Lake, and Lake Michigan was "caused by discharges of untreated and inadequately treated sewage and industrial wastes."

Celebrezze and his staff had found that the polluted water from the heavily industrialized south end of the lake had crept dangerously close to the intake cribs of the Chicago water system.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BROWN of Ohio asked and was given permission to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, as the gentleman from Indiana [Mr. MADDEN] has explained, House Resolution 339 makes in order the consideration of S. 4, as amended by the House Committee on Public Works, under 2 hours of general debate, an open rule, subject of course to amendments under the 5-minute rule and the full consideration of the House of Representatives.

Mr. Speaker, I have studied this legislation carefully as possible both as a member of the Committee on Rules and in my capacity as a House Member interested in the welfare of my own State.

Mr. Speaker, I have had considerable correspondence with reference to this legislation. I am convinced that the House Committee on Public Works has done a splendid job in rewriting S. 4, and that is exactly what has been done. The bill has been rewritten and greatly amended.

The bill itself would change the name of the Federal Water Pollution Control Act to that of the Federal Water Pollution Control Administration. It would further provide grants for research and development, increase grants for con-

struction and necessary treatment works, authorize the establishment of standards of water quality, and aid in preventing, controlling and abating pollution of interstate waters, and for other purposes.

The great difference between the House and Senate versions of this particular bill is that the House Committee bill now before us—that is, amended S. 4—provides that the standards for water quality shall be fixed by the local communities, working with the State, rather than by a Federal authority having jurisdiction over the entire country. That seems to be a very, very important difference, because it does keep control of the standards of water purity and water quality within the hands of the people who are the most interested, those in each locality, in each watershed.

I want to point out also, that this bill will provide for an increase of \$50 million a year in the authorizations for the amount that can be appropriated for the purpose of making grants, gifts if you please, to different localities and their State system for sewage disposal plants, for the elimination of sewage waste and for the purification of the streams and rivers affected. That money would have to be matched by State or local authorities. In other words, while the Federal Government would put up \$50 million, under the provisions of this bill, the States or the local communities would have to put up a like amount, so that there will be not only a local interest but a local investment in any project of this sort.

Of all the legislation I have seen brought to the floor of the House in recent months, this bill is probably the best thought-out and best prepared measure I have seen, and I want to take this means of publicly commending and congratulating the House Committee on Public Works for the accomplishments it brings before the House this afternoon for consideration.

Mr. MADDEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

IN THE COMMITTEE OF THE WHOLE

Mr. BLATNIK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 4) to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Minnesota.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House

on the State of the Union for the consideration of the bill S. 4, with Mr. SMITH of Iowa in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. BLATNIK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it was from this committee, the House Committee on Public Works, that the first substantial legislation involving water pollution control originated back in 1956, and one of the foremost leaders and sponsors of that legislation is now the distinguished chairman of our subcommittee, the distinguished, able and respected gentleman from Maryland [Mr. FALLON].

I yield such time as he may desire to the gentleman from Maryland [Mr. FALLON].

Mr. FALLON. Mr. Chairman, no more important single problem faces this country today than the problem of good water. Water is our greatest single natural resource. The need for good quality water for all our Nation's uses—public and private—is a paramount one.

The Committee on Public Works has been fully aware of this basic problem and from the committee came the first Federal legislation that brought into full focus the problem of water pollution control and water quality. The bill, S. 4, which the House will consider today, is one more step the committee believes in the continuing efforts to solve the great problem of water pollution and to provide for the use of good water.

It has been nearly 9 years since the Congress with the enactment of Public Law 660 in the 84th Congress established the first permanent national program for a comprehensive attack on water pollution. The opening phase of this program saw the Federal role of providing Federal assistance to local communities for the construction of sewage treatment plants. Since that time there have been further basic changes in the Water Pollution Control Act. At the present time the Federal Government is active in offering its good services in an effort to bring about proper control of those who would pollute our Nation's waters.

This program has proved to be a most effective one. Many miles of streams, rivers, and lakes of our Nation are now free from pollution as a result of the Federal assistance given during the last 9 years. Much more needs to be done. Much more will be done because I believe that we must find the means to fully and properly use our great God-given asset—the waters of this earth.

Water is industry's most valuable raw material and for our population growth, and by 1980 it will require twice as much as today. Water recreation has grown enormously during recent years as the leisure time and income of the American people has increased. They need this recreation outlet, yet each year more bathing beaches and water sports areas are closed because of pollution. The story is the same with sports fishing. Each year the number of pollution-caused fish kills grows higher.

There can be only one conclusion. This Nation is faced with a very critical

problem of water pollution. You see it reflected in your daily newspapers, in your daily work, in your home districts, and here at the doorstep of the Nation's Capital.

S. 4 is, as I have said before, one more step along the way to the final solution to this great national problem. I trust this bill will pass and that we will continue to fight vigorously on all levels of government and in all fields of national endeavor both public and private until we have fully solved this problem.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. FALLON. I am glad to yield to the gentleman.

Mr. EDMONDSON. I merely want to express my personal appreciation for the very solid and thought-provoking analysis of the basic problem which confronts us in this field. I compliment the gentleman from Maryland who in his quiet but typically competent manner has brought to the floor of this House a bill which does represent very solid progress in an hour of great need.

I am pleased to be associated with the gentleman as a member of the committee which brought forth this bill.

Mr. FALLON. I thank the gentleman from Oklahoma.

(Mr. EDMONDSON asked and was given permission to revise and extend his remarks.)

Mr. BLATNIK. Mr. Chairman, I yield myself such time as I may require.

(Mr. BLATNIK asked and was given permission to revise and extend his remarks.)

Mr. BLATNIK. Mr. Chairman, the Federal Water Pollution Control Act became permanent law in 1956, bringing the U.S. Government into full partnership with the States and localities in a great national enterprise—the prevention, control, and abatement of pollution of the waters of the Nation. The law was strengthened 5 years later with the enactment of the Federal Water Pollution Control Act Amendments of 1961. To make the act a more effective instrument through which to stop the issue of pollution into the waters of America, to save clean waters from degradation, and to enhance the quality of waters already defiled is the purpose of the bill which we consider today.

S. 4, the Water Quality Act of 1965, comes before the House of Representatives with the unanimous favorable report of the Committee on Public Works. The bill is the product of careful committee consideration. We held 3 days of public hearings in February of this year, and had the benefit of the record of 12 days of public hearings on similar legislation in the 88th Congress. The testimony of witnesses presenting different viewpoints assisted us in our deliberations. The statements of Members of Congress, administration spokesmen, State, interstate, and municipal officials, conservationists, long the staunch advocates of clean water, civic organizations, industry, and other interests are on the record. S. 4 was introduced in the other body by the Senator from Maine, Mr. MUSKIE, for himself and 31 other Senators, and under his able floor man-

agement, passed that House on January 28 by a call-call vote of 68 to 8.

The committee amendments to S. 4 were approved after thorough consideration. The active interest of the chairman of the committee, the gentleman from Maryland [Mr. FALLON], the diligence of members of the committee of both parties, and the support of many colleagues who joined me in introducing the legislation in the House, have been of immeasurable assistance in the development of the sound bill which we have reported. A little later in these remarks I will review the provisions of the bill and briefly discuss the principal committee amendments.

The quality of water and the quantity of water are closely intertwined. Between 1900 and 1945 total water use in the United States more than quadrupled from 40.19 billion gallons a day to 170.46 billion gallons a day. Between 1945 and 1962 it doubled again, to 343.42 billion gallons a day. The population nearly doubled from 76,094,000 in 1900 to 140,468,000 in 1945, and grew to 186,656,000 in 1962. On the basis of population growth and industrial production estimates, the Department of Commerce forecasts total water use in 1965 at 371.7 billion gallons a day, in 1970 at 411.2 billion gallons a day, in 1975 at 449.7 billion gallons a day, and in 1980 at 494.1 billion gallons a day. A higher figure for 1980, 597.1 billion gallons a day, has wide acceptance, and experts talk of the possibility that by the year 2000, total water use in the country may reach 1,000 billion gallons a day. Our dependable supply of fresh water is about 315 billions gallons a day, which we expect can be increased to 515 billion gallons a day by 1980, and to 650 billion gallons a day by the year 2000 through water resources development projects. Let us do some simple arithmetic, and we will see that a water deficit of serious proportions is in prospect, 85 billion gallons a day short in 15 years, 350 billion gallons a day short in just 35 years. Are we going to run out of water? It is unthinkable that we should allow such a calamity to happen. The prospect of a scientific breakthrough which will make the large-scale conversion of salt water to fresh water at a reasonable cost excites the imagination. There is another course, less dramatic, which we must exploit to the fullest. That course is the control of pollution, so that water can be used and reused for all legitimate purposes—for drinking water and multiple domestic uses, for fish and wildlife propagation, for water-centered recreation such as swimming, boating, water skiing, and sport fishing, for agriculture, for industry, navigation and power, and for the enjoyment beyond estimation of the sight of a sparkling lake or bay or river.

Now is the time to escalate the war against pollution. When we enacted the Federal Water Pollution Control Act not quite 9 years ago, rampant pollution prevailed in many parts of the United States. The act authorized a multi-pronged attack on the fouling of the Nation's waters—grants for the construction of municipal waste treatment works, comprehensive river basin pro-

grams for water pollution control, research, and enforcement. Technical assistance, the encouragement of interstate compacts and uniform State laws, grants for State programs, the creation of the Federal Water Pollution Control Advisory Board, and a cooperative program for the control of pollution from Federal installations have been other components of the national program.

Progress under the act has been impressive. We have established a beachhead, but there is many a battle to be won. As we have moved against pollution, the enemy has been aided by reinforcements—population growth, urbanization, industrial growth, new technology, and the effects on water use of a higher standard of living. Every major river system in the country is polluted. Pollution has not spared the Great Lakes, the largest fresh water source in the world. Lake Erie, the shallowest of the five, is so degraded that an enormous and costly effort will be required to restore the quality of its waters.

S. 4, as reported from the House Committee on Public Works, is a strong, practical approach to water pollution control. Its provisions are well considered. Their implementation will have a decided impact on the nationwide campaign for clean water.

First. The bill adds to the Federal Water Pollution Control Act a positive statement of its purpose to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution.

Second. It gives the national water pollution control program an administrative placement commensurate with its importance through the creation within the Department of Health, Education, and Welfare of the Federal Water Pollution Control Administration, elevating the program from its present division status within the Public Health Service. The Secretary is to administer the act through the Administration, and with the assistance of an Assistant Secretary, is to supervise and direct the head of the new Administration, and the administration of all other Department functions relating to water pollution. A new position of Assistant Secretary is created. The Secretary is to designate the Assistant Secretary who shall assist him in the area of water pollution and to prescribe what additional functions he shall perform. Commissioned officers of the Public Health Service now assigned to the program may be transferred to civil service status with the Administration on their own volition and without loss of their rights and benefits.

Third. The bill authorizes a 4-year program of grants to develop projects which will demonstrate new or improved methods of controlling waste discharges from storm sewers or combined storm and sanitary sewers. This is a complex pollution problem which has plagued particularly the older cities of the country. The new program, to begin in the current fiscal year, is authorized at an annual level of \$20 million. Federal grants will be limited to 50 percent of the estimated reasonable project cost, and

no one grant may receive more than 5 percent of the total amount authorized in any one fiscal year. Contract authority may be used for the program's purposes, with up to 25 percent of the total amount appropriated for any fiscal year authorized to be expended by contract during that fiscal year.

Fourth. The bill doubles the dollar limitations on grants for waste treatment works construction from \$600,000 to \$1.2 million for a single project, and from \$2.4 million to \$4.8 million for a joint project serving two or more communities. The present 30 percent of project cost limitation on grants in existing law is not affected. For fiscal years 1966 and 1967, the 2 years remaining before the present authorization expires, the authorized annual appropriations will be increased from \$100 million to \$150 million. The first \$100 million will be allocated to the States on the basis of 50 percent population and 50 percent per capita income, as existing law provides. Amounts appropriated in excess of \$100 million will be allocated on a straight population basis. The requirement that at least one-half of the funds appropriated for each fiscal year must be used for grants to projects serving municipalities of not more than 125,000 population will apply to the first \$100 million, but will not apply to the additional amounts appropriated. Further, if the State matches the full Federal contribution made to all projects assisted from the additional allotment, grants from that allotment may be made up to the full 30 percent of project cost, without regard to the dollar ceilings. To encourage the orderly development of metropolitan areas, the bill authorizes the Secretary to increase the amount of a grant by 10 percent, if the project is in conformity with a comprehensive metropolitan area plan.

Fifth. The bill requires that in order to receive any funds under the act, each State must file with the Secretary within 90 days after the bill's enactment, a letter of intent that the State will establish water quality criteria applicable to interstate waters not later than June 30, 1967.

Sixth. The bill requires the Secretary to invoke the enforcement authority in certain circumstances to abate pollution which results in substantial economic injury from the inability to market shellfish or shellfish products in interstate commerce.

Seventh. The bill strengthens the enforcement authority by empowering the secretary or his designee, at the public hearing stage of an enforcement action, to administer oaths, to subpoena witnesses and testimony and the production of evidence relating to any matter under investigation at the public hearing. The subpoena power does not extend to trade secrets or secret processes. Jurisdiction for obtaining compliance is vested in the U.S. district courts.

Eighth. The bill clarifies the authority and functions of the Secretary of Labor respecting the labor standards applicable to the act. It requires accountability for financial assistance given under the act in accordance with acceptable audit and examination practices.

Let me discuss some of the provisions of S. 4 a little more fully and point out the principal committee amendments to the bill.

S. 4, as reported, transfers the entire water pollution control program to the new administration. As passed by the other body, the bill requires the transfer of only selected functions. The importance of the total program and the interdependence of its parts indicate that it should be elevated intact to the higher organizational status, which is comparable to that occupied by other major Federal water resources activities. The 1961 amendments to the act vested in the secretary, rather than the Surgeon General, responsibility for the administration of the act. It was our intention at that time that it should be upgraded. In the interests of stronger administration, and more ready public identification, there should be no further delay in the establishment of the new administration.

Statutory responsibility for the administration of the act will remain in the secretary. He will administer the act with the assistance of the assistant secretary of his designation and through the administration. He will appoint and fix the salary of the administrator, who will be in a civil service status.

Water pollution control, as an integral part of water resources management, will no longer be conducted within the service concerned with the public health of the Nation. Health remains an important consideration, and the committee has provided that the administrator shall consult with the Surgeon General on public health aspects of the program.

We have provided for the voluntary transfer to civil service status of commissioned officers now working in the program, with protection for their rights and benefits. Of the 4,900 commissioned officers under the jurisdiction of the Surgeon General, 373 would be eligible for transfer. To insure their retirement rights, a maximum of \$1,850,000 will be paid into the civil service retirement fund.

I do not wish to depart from this subject without paying tribute to the dedicated staff of the Federal water pollution control program in the Public Health Service, which has served so well during the important development years of the program. The new administration, to be established because of the importance of the work in which they have been engaged, is a recognition of their efforts.

The new 4-year program of research and development grants which is authorized by S. 4 will assist in the exploration of better methods of coping with the difficult pollution problem of the overflow from combined storm and sanitary sewers. Approximately 60 million people in some 2,000 communities are served by combined sewers and combinations of combined and separate sewer systems. Estimates of the cost nationwide of separating combined sewers run from \$20 to \$30 billion. Other solutions to the problem may be technically feasible and less expensive. Grants to States, municipalities, or intermunicipal or interstate agencies to finance up to half of

the cost of demonstration projects will be of immediate value to the recipient areas, and will foster the development of knowledge applicable in other areas. The committee amended this section of S. 4 to permit the Secretary to use up to 25 percent of the funds appropriated for the program each year to contract with individuals, private enterprise, research institutions, or public agencies for demonstration work on the combined sewer overflow problem. A heavy dose of pollution can be administered to the receiving stream in a short time from this source. The new program will encourage the discovery of solutions to a particularly difficult pollution problem.

In recognition of the higher per capita cost of waste treatment facilities serving smaller communities, and of their difficulties in securing financing for public works on favorable terms, the Congress authorized a program of grants for the construction of municipal waste treatment works which gave proportionately more assistance to those communities. Their less costly projects could receive the full 30-percent grant provided by law. The \$250,000 ceiling on the amount of a grant reduced the Federal share of larger projects to a fraction of 30 percent. When we passed the 1961 amendments, we raised the ceiling to \$600,000 and authorized grants to joint projects with a ceiling of \$2.4 million. Large projects still do not receive Federal assistance anywhere approaching 30 percent of total eligible cost. But it is in the metropolitan complexes of the Nation that the worst pollution exists. Large projects control more pollution from more people. In fairness to urban taxpayers, and in the interest of effective water pollution control, we should make more realistic assistance available for these large projects. The committee has amended S. 4, to increase the ceiling for single projects to \$1.2 million, instead of \$1 million, and for joint projects to \$4.8 million, instead of \$4 million.

When we review the construction grants program prior to its expiration on June 30, 1967, we will consider how large the program should be, and what direction it should take. We know that it is not large enough, and so our committee amended S. 4 to increase by \$50 million the appropriations authorization for fiscal years 1966 and 1967. We know that it is not keeping up with the need in the urban complexes, and so we provided that the allocations to the States from appropriations made over and above the basic \$100 million would be on a strict population basis, and we did not extend to them the requirement that half the funds go to communities of 125,000 population or less. We know that to wipe out the backlog of needed facilities, and to keep up with population growth and plant obsolescence will take the best efforts of government at all levels. At present only a few States participate in the financing of waste treatment works. By offering a full 30-percent grant, without regard to the dollar ceilings, for projects made from the additional allocation in States which match the Federal contribution, we hope to encourage more and more States to bear a share of the

cost of these desperately needed and extremely costly public works.

The committee believes that the question of adequate water quality standards is of high importance throughout the Nation. We have considered carefully whether they should be established and promulgated by the Secretary of Health, Education, and Welfare, or fixed by the States. There is an urgent need for standards of water quality applicable to interstate waters or portions thereof to insure that there will be water of a quality high enough to serve the maximum number of needs demanded by a growing population or industry. On the basis of the exhaustive testimony taken this year and in the last Congress, we have amended S. 4 to give the States time to carry out their responsibilities for protecting the quality of the interstate waters within their respective jurisdictions. Waters arising entirely within a State, which do not flow into another State, and do not form a part of the State boundaries, are not deemed to be interstate waters and would not, therefore, be subject to any requirements respecting water quality criteria. Within 90 days after the bill is enacted, each State must file with the Secretary a letter of intent that the State will establish water quality criteria applicable to interstate waters or portions thereof within its jurisdiction not later than June 30, 1967. If a State fails to file such a letter of intent, it will receive no funds under the act until the letter is filed. We hope that the States will meet their responsibilities in this regard. The committee will consider additional water pollution control legislation in connection with the expiration on June 30, 1967, of provisions of the act. If the States have in fact met their responsibilities, they will be able to supply information of great value in the resolution of the water pollution problem.

S. 4 directs the Secretary to invoke the enforcement authority whenever he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution of interstate or navigable waters, and action of Federal, State, or local authorities. The provision would give recourse to persons who sustain economic loss because of a necessary ban on the shipment in interstate commerce of shellfish from polluted waters. The States must close harvesting areas found unsatisfactory for certification by the Public Health Service. The harvester, who is injured by necessary official action taken because of pollution which is not of his making and is beyond his control, should have the protection of official action in the abatement of that pollution.

The committee has amended S. 4 to give new support to the enforcement authority, the function on which the success of other program activity may ultimately depend. The secretary or his designee will be given power to subpoena witnesses and evidence which relate to any matter under investigation at the public hearing stage of an enforcement action. In the rare instances in which persons involved in enforcement proceedings fail to cooperate by furnishing

needed information, the subpoena power will aid effective enforcement. Trade secrets and secret processes will not be subject to subpoena.

The 89th Congress in its first 100 days compiled a record of achievement which is compared to the first 100 days of the 73d Congress. A brave President, Franklin Delano Roosevelt, laid before the 73d Congress a bold program of far-reaching measures to bring the United States out of the depths of the despair wrought by the great depression. In a time of general prosperity, a brave President, Lyndon Baines Johnson, has laid before the 89th Congress a program to keep the Nation prosperous, to open opportunity to all of our people, and to improve the quality of American life.

Toward the third goal, the President declared that we must act now to protect America's heritage of beauty. His brilliant message to the Congress on natural beauty expressed a sense of urgency about the massive pollution of the Nation's waters and the need for legislation to step up the fight to overcome it. In passing this bill we are stepping up the fight. The American people have thrown off the fetters of indifference which have for too long hampered the drive for clean water.

I recommend to the House the passage of S. 4, the Water Quality Act of 1965.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I will be pleased to yield to my friend from Iowa.

Mr. GROSS. First of all I want to compliment the committee on what I believe is a good bill. However, do I understand the gentleman to say that you have now pulled together in one place all things related to water pollution and to the supply of fresh water, in the Department of Health, Education, and Welfare? Is that correct?

Mr. BLATNIK. Yes, sir. All the functions that were until now under the Surgeon General, with the exception of those aspects which deal primarily with health. The aspects dealing with health will be retained, as under the previous law, by the Surgeon General. However, there are other aspects of pollution control which are under the Interior Department, the Agriculture Department, the Corps of Engineers, and the Conservation Corps, over which we have no jurisdiction.

Mr. GROSS. There is still some proliferation, then, of these activities?

Mr. BLATNIK. Yes. We took certain of these aspects from the Surgeon General and put them under an administrator so that they will now be at a higher level of administration than they were before.

Mr. GROSS. But you did take these activities out from under the Surgeon General?

Mr. BLATNIK. Yes, sir. And we put them under an administrator who will be in charge of this feature.

Mr. GROSS. I thank the gentleman.

Mr. CRAMER. Mr. Chairman, will the gentleman yield for a further clarification?

Mr. BLATNIK. I am glad to yield to my colleague from Florida.

Mr. CRAMER. The legislation does require that the Surgeon General be consulted at all times in matters relating to and concerning health. Therefore, the Surgeon General does retain jurisdiction in effect over health matters. I ask the gentleman from Minnesota, Is that not correct?

Mr. BLATNIK. That is correct, and I thank the gentleman from Florida for his contribution and clarification.

Mr. CRAMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I, too, am delighted to be able to join with the majority in unanimous support of this bill. It was supported unanimously by the majority and the minority. I think this is a clear-cut and outstanding example, particularly during this session of Congress, a shining example, where a committee when it is given the opportunity to do so without exterior interference, can do a good job and can come up with a bill that deserves the support of everyone in the House.

Of course, this has not necessarily been the case on all legislation that we have had before our committee, but this is a shining example where we were given an opportunity to work our will and we did so and I think came up with a sound and reasonable approach to what is admittedly a most serious problem throughout this Nation.

We are all for clean water, just as we are all for motherhood. We are all for doing what can reasonably be done to prevent water pollution. But as was stated when the legislation was initially passed by Congress back in 1956—and which, incidentally, I and others on our side cosponsored along with those on the majority side, which legislation first established the water pollution control program and the sewage disposal plant Federal grant program—it was specifically stated, and I believe this concept to be extremely significant and important, and must be maintained if this is going to be an effective program—that this program is one which must be participated in to the fullest extent not only by the Federal Government, in its proper jurisdiction, but by local and State authorities as well.

In enacting the initial law, the Congress said, and I quote:

It is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution.

Now, in 1956 we had a bill which we could all support and did support in the committee.

In 1961 we had some differences of opinion as to what was the proper Federal responsibility in light of this statement of policy.

In 1965 we are coming before this body, this House, with a bill recognizing those basic principles and thus we are able to be in support of it both on the majority and on the minority sides.

Mr. Chairman, we had some difficulties with the consideration of the bill. Last year, of course, a quite different bill was voted out of the committee. This year a number of changes were made. There

were some difficult problems with which our committee had to wrestle, but I am proud to say that I believe we did so successfully.

For instance, Mr. Chairman, we had to deal with the question as a result of having before us S. 4, the Muskie bill from the other body, we had to actually deal with the provisions of that legislation and make necessary changes, for instance, in the field and on the question of Federal standards. That probably represented the most difficult problem with which we had to deal. However, I feel it was dealt with most successfully.

Mr. Chairman, I think it would be a grave mistake for the Federal Government to try to set, as was proposed in that bill, water quality standards on all streams throughout America, which amounts to the Federal zoning, which amounts to the Federal Government determining what use can be made of streams and lands adjacent thereto, a responsibility clearly recognized as that of the State and local communities throughout the history of America. This has been avoided in the pending legislation and successfully so in that the bill before us, in section 5, provides that in effect the States should be encouraged to accept this responsibility themselves and therefore there was written into section 5 as a substitute for the Senate bill the provision that no State is to receive any funds under this act unless it files a letter of intent with the Secretary that the State, not the Federal Government—and continuing to quote:

The State will establish water quality criteria to be applicable to interstate waters and portions thereof within the State prior to June 30, 1967.

Mr. Chairman, I believe that is a sound and reasonable approach. It encourages the States to do a job which we all admit should be done if water pollution is to be controlled and if we are to have eventually the necessary clean water in America.

So, Mr. Chairman, I wholeheartedly—and so do the minority members of the committee—endorse not only that section but the balance of the pending bill.

We had some problems relating to subpoena powers. We had the question as to whether or not the Federal Government should have the power to subpoena State and local records, not at the hearing stage but at the conference stage where discussions are taking place relating to the enforcement of pollution abatement.

It was resolved, and I think properly and rightly so, at the hearing stage “yes,” at the conference stage “no.” And thus the subpoena power is properly given to the new administration at the hearing stage. That was successfully resolved in the committee. We had the question that was with us in 1961 and this year: Should the States be encouraged to match Federal funds in the treatment works construction program? I think it is conceded, and a correct statement of the gentleman from Minnesota, as to how tremendous this problem is which is facing the Nation. I think the estimate is something like \$5 billion as to what it would cost to catch

up with the needed sewage plant construction program in America, let alone get ahead. To catch up it would require an estimated \$500 million or \$600 million a year of local municipal funds alone to do the job.

This clearly indicates that the States should be encouraged to get in and help in this program. At this time it is mostly the Federal Government and the municipalities. The States are not involved except to set priorities. They are not required to provide grant money. Therefore it is plain, as we recorded it in the minority views on the amendments to the Water Pollution Control Act in 1961, that—

If there is to be any increase in the amount of funds appropriated for Federal grants it should be directed toward providing an effective incentive to accelerate needed construction by offering an inducement to the States to respond to their responsibilities and participate in the cost of treatment plants.

If enlargement of the Federal grant program to construct local sewage treatment works is inescapable, then it is high time that the States face up to their responsibilities and assist in defraying the costs of such facilities.

This was in 1961. We offered amendments we hoped would accomplish that, but they were turned down in 1961. Amendments to at least partially accomplish that were adopted, and I think properly so, by the committee on the occasion of the consideration of this bill. So that the States are being encouraged to get into the program, to participate in the program, by the formula that was written into this legislation, relating not to the \$100 million authorization but relating to the increased \$50 million authorization. If the States want to exceed the top dollar limit for a project, which was doubled in this legislation for both single and combined projects, then they will be required to match Federal funds, in that way hopefully to bring the States into the picture and accept responsibility in it.

I am personally convinced if the job is going to be done, it is a bigger job than either the Federal Government or the local communities can handle in the near future. It is essential that the States participate in the program.

We had also the problem to deal with, a serious one, of the objection on the part of many of the State agencies with regard to changing the administration setup, taking it out of the Public Health Service and putting it in the hands of a new administration. This was resolved, and I think reasonably so, by the amendment that was adopted that requires the new control administration to consult with the Surgeon General on all health aspects of water pollution control. Therefore, the Surgeon General and the Public Health Service will remain in the picture. They of necessity have to remain in it, and they have specific authority to do so under the language of the bill as voted out.

I do not intend to discuss in detail the bill itself. The gentleman from Minnesota has outlined what the bill does. I do have a couple of other comments to make.

This is not the last water pollution control bill we are going to have in the near future. There is going to be another one in 1967 for the obvious reason that authorizations run out in 1967 and additional authorizations will be necessary, probably to be considered in the early session of the 90th Congress, and other matters involving water pollution control can be considered and probably will be at that time. So this is not the last look at this problem that Congress is going to have, and perhaps rightly so. I think it is well for Congress to review from time to time these basic problems. We will have an opportunity to do so in 1967, probably.

With the fine work done by this committee, and I am confident it will be substantially supported in the House by the vote of the membership, it would be my hope that when this bill is passed in the House and we go to conference, there will be such an overwhelming vote for this legislation on the floor of this House that the hands of the conferees will be upheld and we will be in a strong position to demand of the other body that, with such overwhelming support of this view of this legislation, we will be able to sustain the House position in conference, it being a sound and a proper position to take. So I am asking that this bill be passed with an overwhelming vote. I hope it will pass substantially in the form it is now and be sustained in conference.

I will now be glad to yield for any questions.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I want to take this opportunity to congratulate the members of this great committee on having worked and produced what I believe is one of the finest pieces of legislation on water and the problems affecting water that has ever been presented to the House of Representatives. The gentleman from Minnesota [Mr. BLATNIK], the gentleman from Alabama [Mr. JONES], the gentleman from Florida [Mr. CRAMER], and the gentleman from California [Mr. BALDWIN] are to be particularly commended for what I consider to be outstanding statesmanship.

When you were holding your hearings, I know you were presented with many divergent views. When the committee had completed its hearings, closed the doors, and proceeded to mark up the bill, I am satisfied that partisan politics was laid aside. The Members on both sides of the aisle were determined to produce a good piece of legislation.

I sincerely hope there is a record vote on the passage of this bill, and that it will be supported unanimously in the House of Representatives. The other body should accept without question the House version and get this law on the books at the earliest possible date. Then the States and local municipalities will have more time in which to supplement this bill, and work on the problems in their immediate States and localities.

To all members of this great committee the Navy praise is appropriate: "Well done."

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Minnesota.

Mr. BLATNIK. I want to express my appreciation to the ranking minority member for his fine statement, and also to the gentleman from Pennsylvania, who for 10 years has been of great assistance in matters of water conservation and utilization.

Mr. CRAMER. I thank the gentleman.

Mr. BLATNIK. It saddens us deeply that the most dedicated, devoted, and honorable man in this body, if not in the entire Congress, in the field of many aspects of water utilization, preservation, conservation, and flood control, our dear friend ROBERT E. JONES, was so severely and seriously stricken a month ago.

I would like to point out that it was on the same evening when we were concluding the resolution of this highly controversial issue on standards and criteria in which the gentleman from Alabama [Mr. ROBERT JONES] played an important role and played a leading part together with our distinguished Member, the gentleman from Louisiana [Mr. T. A. THOMPSON], that we came to the conclusion, unknown to him, how seriously ill the gentleman from Alabama [Mr. JONES] was when he was taken to the hospital for extremely serious surgery from which he is still recovering. He is coming along most satisfactorily and I know we are all delighted to hear that. So at this point, Mr. Chairman, I ask unanimous consent that the remarks of the gentleman from Alabama [Mr. JONES] appear in the RECORD at this point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. JONES of Alabama. Mr. Chairman, we have only to travel a few blocks to the once beautiful Potomac River to see that water pollution is an imminent and pressing problem at our very doorstep. But, unfortunately, the Potomac is not the only polluted river in our Nation. The citizens of this great land find this problem repeated at practically every doorstep. There is increasing pollution of our water resources by raw sewage, untreated industrial wastes and other refuse. It gravely impedes our Nation's full social, economic, recreational and community growth.

Voices of concern are being raised by industries which must have an adequate supply of clean water for continued economic well-being. Anglers are outraged by fishkills and the diminishing quantity and quality of aquatic life in streams and lakes. Water sports enthusiasts are shocked when they are directed to avoid certain streams at peril to health and safety. Housewives cringe at the foul odor of even hygienically safe treated water. Conservationists are repulsed by the disgraceful sights which mar the streams of our otherwise beautiful woods, parks, and recreation areas. Civic-minded groups everywhere are aware of the need for cleaner waters to meet the demands of our growing population and developing industries.

These voices of concern were raised

in a plea for action time after time at the extensive hearings, over which I presided as chairman of the Natural Resources and Power Subcommittee of the House Committee on Government Operations last year. We heard similar testimony in the hearings by the House Public Works Committee on the bill which is before us today. Hundreds of concerned citizens, representatives of industry, and many State and local officials testified on the needs for improving our water resources. Their testimony demonstrated that despite some encouraging successes in the battle to abate pollution, concerted action must be taken on all levels of government and in all sections of the Nation if we are to hold the progress which has been made and then turn back the increasing tide of polluted waters.

Mr. Chairman, I endorse S. 4 with the amendments reported by the House Public Works Committee.

We need to upgrade the Federal water pollution control efforts to reflect the broad problems associated with conservation of our great water resources. S. 4 will do this by establishing a Federal Water Pollution Control Administration to be headed by an assistant secretary in the Department of Health, Education, and Welfare. This agency will be able to administer all matters under the Federal Water Pollution Control Act. It will be able to deal with the broad problems of pollution associated with conservation of waters for all uses, including municipal water supplies, fish and aquatic life and wildlife, recreational needs, agricultural and industrial requirements, and other vital needs. It will be able to fulfill the purpose of the act to "enhance the quality and value of our water resources and to establish a national policy for prevention, control and abatement of water pollution."

Our hearings indicate the solutions to our water pollution problems will not be simple or easy. The problems are complex and their solution also can be very expensive. For example, combined storm and sanitary sewers are a critical source of pollution in many of our cities. To eliminate this source of contamination by physical separation may cost the cities as much as \$30 billion unless new techniques can be found for handling the problem. We must provide for research assistance which is beyond the capability of the individual States or municipal governments.

The bill would authorize matching grants on approved demonstration research on combined sewers by States, municipalities, intermunicipal, or interstate agencies. These grants could be as much as \$1 million per project, and total \$20 million per year for 4 years. Furthermore, under the committee amendments, up to 25 percent of the same appropriation could be used for contracts with various private or public agencies for research on this subject.

It was encouraging at our hearings to learn of the thousands of municipal sewage treatment facilities fostered by the Federal construction grant program. In the past 9 years, Federal grants of \$640 million have stimulated local governments to provide treatment facilities

costing more than \$3 billion. Every dollar of Federal aid resulted in \$4 of local spending. This aid went to 6,028 projects which serve 48 million people. The rate of treatment plant construction has been almost doubled since the Federal program was begun. But as impressive as these figures are, our cities are still woefully short of the needed sewage treatment facilities. The backlog of needed facilities grows every day. Recent figures show that 1,470 applications, totaling \$181.3 million, are now pending for treatment projects that will cost \$904.1 million.

Population is increasing rapidly. Our cities are growing even more rapidly. Great demands are made on these municipal governments for improvement of services. And, whether we like it or not, city officials who are besieged by many problems are often tempted to give sewage treatment facilities a low priority. After all, the city can dump the sewage downstream where it presents no immediate threat to its citizens. Then only the water users farther downstream have to worry.

Limitations of existing legislation were pointed out in our hearings. Dollar ceilings of \$600,000 on individual project grants and \$2.4 million on multimunicipal project grants have inhibited local action in the larger cities where the cost of adequate facilities runs to many times the Federal portion. The ceilings also have tended to encourage smaller, sometimes less efficient, plants where larger facilities would have meant savings in the long run.

To advance this needed treatment plant construction and stimulate municipalities to end this source of water pollution, S. 4 as reported, will double the maximum construction grants to \$1,200,000 for a single project and \$4,800,000 for multimunicipal projects, provided the grant does not exceed 30 percent of the reasonable project cost.

The grant program has 2 years remaining under this act. If we are going to make a dent in the backlog of needed treatment facilities, the appropriation for these grants must be increased. S. 4 will authorize additional appropriations of \$50 million a year for the next 2 years and bring the total authorized to \$150 million annually. I believe these increases are not excessive. Indeed, they are truly minimal in light of the great national needs. The first \$100 million in grant money will continue to be allocated under the existing formulas which insure more grant money for the smaller and medium-sized cities. Funds over \$100 million will be allocated to the States on a population basis and thus allow for more substantial grants to the larger cities where the greatest need for improvement exists.

The main purpose of these grants is to stimulate local action. The bill, as reported, provides extra inducement where a State provides funds to cities, matching the Federal grants, for treatment plants. In such cases, the dollar ceiling limitations on grants, up to 30 percent of project costs, would be removed from the appropriation of the extra \$50 million.

To encourage further economies and efficiencies, the bill provides a 10-percent increase for projects certified by State or regional planning agencies as conforming with the comprehensive plan for a metropolitan area when the President determines the area is appropriate for such increase.

S. 4 also takes a first step toward the establishment of critically needed water quality standards. As passed by the Senate, S. 4 would give the Secretary of Health, Education, and Welfare authority to establish standards for interstate and navigable waters. However, during our hearings, many witnesses representing many industries and many State agencies testified that such additional power on the Federal level is unnecessary and undesired; that it would be time consuming and costly to establish such standards; that the standards might be unrealistic because every stream, and even every segment of a stream, varies in its uses and in the amount of waste it can safely absorb; that these considerations require great familiarity with a multitude of diversified factors; and that the individual States should have greater proximity to these problems.

The reported bill, therefore, places on the States the responsibility for establishing the criteria for water quality within the State.

The acceptance by the States of this responsibility will be of great value in helping to solve the water pollution problem and will provide valuable information for consideration of new legislation when important provisions of the existing law expire in 2 years. Any State which fails within 90 days to file a letter of intent to establish such criteria before June 30, 1967, would not receive any Federal grants for its water pollution program.

At our hearings, representatives of the shellfish industry, which is highly dependent on clean waters, have repeatedly urged additional Federal action on interstate or navigable waters to curtail pollution which is cutting into the livelihood of the industry. This will authorize the Secretary of Health, Education, and Welfare to take action when he finds that substantial economic injury results from the inability to market shellfish in interstate commerce due to health threats resulting from pollution of these waterways.

To strengthen abatement efforts, the bill also empowers the Secretary of Health, Education, and Welfare to subpoena witnesses in matters under investigation when the procedure reaches the public hearing stage.

Mr. Chairman, our hearings demonstrated that many industries are taking steps, often at great expense, to end or reduce the polluting effects of their manufacturing processes. The detergent industry is an excellent example of how self-regulation can shortstop the need for more Government regulation. Within the year, the industry will have changed from stream polluting hard detergents to a new product which can be handled in existing sewage treatment facilities. The end of the unsightly foam on our streams from these hard deter-

gents may be anticipated in the near future. I strongly urge all industries to step up their antipollution efforts. The need for the control of industrial wastes is a great and pressing national problem.

Mr. Chairman, the scope of the water pollution problem is so great as to require the enthusiastic cooperation of all official and unofficial segments of our society. S. 4 as reported by the House Public Works Committee, seeks that cooperation, especially in regard to greater State participation. Some groups have urged stronger and more sweeping Federal powers than are included in this bill. Some have urged less. I believe that S. 4 as reported, is an equitable, workable, and necessary step if we are to attack this single most desperate natural resources problem facing the country today.

I urge adoption of this bill.

Mr. THOMPSON of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I am pleased to yield to the gentleman from Louisiana.

Mr. THOMPSON of Louisiana. Mr. Chairman, I would be remiss if I did not associate myself with the remarks of the gentleman from Minnesota not only in regard to this legislation but in regard to his remarks about the Honorable ROBERT E. JONES of Alabama.

I do not know of a man who is possessed of more of the qualities of leadership in this body and who can be more persuasive and who is possessed of a vast knowledge gained over many years of experience than our colleague, the gentleman from Alabama [Mr. Jones]. I am happy to have the opportunity to work with him, and I am happy also to report that he is doing so well that he is back in Washington today and, of course, we all hope that he will certainly continue to be with us for many, many years to come.

Mr. Chairman, if the gentleman from Minnesota will yield further, I do want to say, too, as a Louisianian, that our State of Louisiana is a recipient State when we speak of this problem of water pollution because, as a matter of fact, two-thirds of all the water that flows in this Nation and whatever pollution is in it flows through my State. So you can well see that if anyone or any State is interested in the abatement of pollution and the control of pollution, my State of Louisiana certainly is greatly interested.

Water pollution is a serious threat to the welfare of our country, and the critical need for clean water in our Nation's rivers and streams has been brought to the forefront with sober emphasis. We of the Public Works Committee, after long hearings and lengthy deliberation, feel that the bill as we reported it provides the best solution to the pollution problem. The House committee version includes a provision which allows the individual States to establish water quality control criteria, in lieu of having nationwide Federal standards.

Our extensive hearings clearly demonstrated the necessity for upgrading the Federal water pollution control effort. To satisfactorily eliminate the existing problems will require full and close co-

operation between local, State, and Federal Governments. In recognizing that the problems within the various States are different, the House version points up the important responsibility of the States in the matter of pollution control and gives them an opportunity to establish water standards most suitable to their specific needs and problems. I believe the States can, and will, effectively assume this vital task, and actually, the Federal Government could not proceed as quickly as individual States can under this bill in establishing a National Inventory of Water Quality.

Another aspect of this bill authorizes a 50-percent increase in the total funds which may be appropriated for grants to States for construction of sewage treatment plants in cities, and would double the dollar ceilings on both municipal and multimunicipal projects. Recently there has been a noticeable increase in the number of such plants constructed throughout the United States, and there is a tremendous number of applications currently pending for municipal sewage treatment facility grants. These applications greatly exceed the amount of funds available. By increasing the appropriation and providing a greater availability of funds, treatment plant construction would be stimulated in all industrial areas where the most serious pollution problems exist. In Federal-State matching fund projects the bill would provide a 30-percent grant from the increased funds for treatment plant construction.

I believe that the bill as reported—placing the authority for water control criteria in the States, along with the other provisions made by the House Public Works Committee—is the most desirable means of reaching the goals we realize are vitally necessary and prove a giant step forward in the attack on, and the eventual elimination of, the water pollution problem.

My people in Louisiana are satisfied with this approach that is being made through this legislation. As a matter of fact, they have already commended me and all of the membership of this committee and have so advised me. Our Governor is working on this matter through our stream control commission. They have done a splendid job and they have asked me to extend to the entire membership of the Committee on Public Works of the House of Representatives their appreciation of what has been done.

Now, Mr. Chairman, this legislation could not have gone through without the bipartisan approach that was taken. I have great pride in being a member of the House Committee on Public Works. For many reasons, but especially because this legislation which approaches this problem in an attempt to attain the same goals that the other body is seeking, I hope inasmuch as our committee has approved this legislation and sent it to the floor of the House by a unanimous vote that the House would take the same action.

I also want to say that this legislation as it is now presented would not have been possible without the help of the hard

working and enlightened staff that we have on our Committee on Public Works.

Mr. BLATNIK. I thank my colleague from Louisiana.

(Mr. THOMPSON of Louisiana asked and was given permission to revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I am pleased to yield to my very dear friend, the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Chairman, I think the Members of this body are indebted to the great Committee on Public Works, which enjoys a unique distinction in that, at least in the years I have had the honor of being a Member of this body, the committee has never lost a piece of legislation. This is a great tribute not only to the committee's parliamentary skill but to the thoroughness with which it approaches legislation. I think also the tributes to our colleague, the gentleman from Alabama [Mr. JONES], who has been ill, are particularly well deserved. There is not in this body a more sophisticated or more persuasive or more knowledgeable negotiator than ROBERT E. JONES of Alabama. I find myself not always in agreement with that distinguished gentleman, but I find myself without exception admiring of him and really too many times persuaded by his enormous skill which was demonstrated earlier in the handling of the Appalachia legislation and in this particular area in which we are legislating today. ROBERT E. JONES has made great and lasting contributions to Alabama and the Nation in many fields. He is this body's leading expert on the TVA, on Appalachia, and in water resources legislation.

In this particular area in which we are legislating today, he has a background of many years of service, especially with respect to technical knowledge of the subject, which he has so well at his command. I am sorry he has been ill, but am delighted by his recovery. He deserves the thanks of all of us. ROBERT E. JONES is one of the truly great public servants of our time.

Mr. BLATNIK. I thank the gentleman from New Jersey. I appreciate his remarks.

Mr. Chairman, the gentleman from Missouri [Mr. RANDALL] worked very closely with Mr. JONES and several others, particularly those on the Subcommittee of the Committee on Government Operations. They have held, without question, most intensive public hearings in several major areas of the United States.

I am pleased to yield at this time to the gentleman from Missouri [Mr. RANDALL].

Mr. RANDALL. Mr. Chairman, I appreciate being granted some time by the floor manager of this bill, the gentleman from Minnesota.

I rise in support of the Water Quality Act of 1965 and in tribute to a member of the Public Works Committee who was also my chairman in the Subcommittee on Natural Resources of the Committee on Government Operations, the gentleman from Alabama [Mr. JONES].

Under delegation of authority by the

chairman of the Committee on Government Operations, the gentleman from Illinois, our dear friend BOB JONES conducted 2 full years of hearings both here in Washington, D.C., and from coast to coast in 1963 and 1964. These hearings and his other activities properly put BOB's name in the forefront of the fight for pure water. It was my privilege and honor to have served as a member of that subcommittee. We held hearings in Trenton, N.J.; Hartford, Conn.; Chicago, Ill.; Seattle, Wash.; Austin, Tex.; Muscle Shoals, Ala., and Kansas City, Mo.

We all know that BOB JONES has been stricken as a result of a serious operation, but it is good news to know that he is now recuperating. I know that every Member is pulling for his speedy recovery and his quick return to his duties here in the House.

To dramatize the harsh fact that we are soon going to have an acute shortage of pure water in this country, the gentleman from Alabama had a simple illustrative formula. He said there were three factors involved which could be treated like an ordinary, simple division problem. In the first place, he said, there is a divisor—and that is the population. The dividend is the fixed quantity of water, and it cannot easily be increased. As the population increases, the divisor goes up and is divided into the dividend, which remains static. As a result the quotient becomes smaller and smaller. That quotient is the amount of pure water each of us will have to use over the years ahead.

It was such clear and simple logic as that which pinpointed attention and focused the interest of the people from coast to coast on the importance of this problem.

Mr. Chairman, I would like to summarize a few of the findings and accomplishments of the Subcommittee on Natural Resources, but I first wish to compliment the gentleman from Minnesota on the thorough and competent job his committee has performed in improving through amendment S. 4, the bill sent here from the other body. The problems of drafting equitable Federal legislation to assist in abating and controlling water pollution are complex and controversial. It is evident the Public Works Committee has negotiated these problems with great skill and has reported a bill which will foster genuine progress in the field of pollution control and yet will not overstep the proper limits of Federal authority.

If I had to characterize the accomplishments of the Subcommittee on Natural Resources in just a few words, I would say that Mr. JONES' subcommittee gave the people of the United States a picture in proper perspective of Federal, State, and local water pollution abatement efforts.

In the first place, the National Resources Subcommittee created a forum in which citizens all across the country could express their concern about water pollution and in which responsible public and private officials had to justify their actions in the field of pollution control. Those who testified included Federal,

State, and local officials or representatives, sportsmen and wildlife enthusiasts, and members of several civic organizations including the ever-present League of Women Voters.

The fact that these hearings were held by an arm of the legislative branch of the Government added to the importance of the forum. We were able to make this forum effective because as a subcommittee, we were an agency of the Congress working on a problem of national importance. For this reason we gained attention and response that no administrative official could have commanded.

In the second place, the subcommittee was able to pinpoint some of the difficulties connected with the concept of national water quality standards. At first some of the members were surprised to find out most of the areas in our country were opposed to the establishment of a Federal water standard, but as the hearings continued reasons began to develop why the areas must have a voice in establishing the standards of pollution control applicable to them. We found that each local area has its peculiar problems. In some places it was acids in the water from the mines; in other places it was wastes from the steel mills; and in still other areas it was refuse from the pulp and paper industry. In the Southwest, the problem was salinity and pollution from the natural salt content of the soil.

I can assure my colleagues that we did not shirk our duty of putting offenders on the spot and that at least to some degree we were able to dispel complacency and apathy. But I can also report that we found many occasions to commend and congratulate those who had already achieved some measure of accomplishment in solving their own local problems of water pollution. Indeed, if anything, the subcommittee came away from its hearings with the impression that much more was being done in this area than we had previously imagined.

In the third place, we were able to identify the multiplicity of Federal agencies that have been involved in protecting and securing pure water. We established the contributions to pollution control and abatement made by such agencies as the U.S. Geological Survey, the Department of Agriculture in its Soil Conservation Service studies and its studies of the effects of water on farming and irrigation, the Bureau of Fisheries, the Bureau of Mines, the Corps of Engineers, and the Public Health Service.

Finally, we like to think that through these hearings the subcommittee and its able chairman were enabled to promote a number of concrete accomplishments in reducing the impact of water pollution. There were no miracles performed, but some important first steps were taken. I should like to list just a few of them for the benefit of my colleagues:

First. An Executive order was issued giving the U.S. Geological Survey primary responsibility for establishing and maintaining a national network to measure quantity and quality of our waterways.

Second. Federal agencies and shipbuilders are finally developing requirements for treating sewage of ships, including those owned by the U.S. Government.

Third. Interagency conflict has been reduced among some of the Federal agencies working on the problem of water pollution.

Fourth. The results of research done by Federal agencies will now be more generally available to those who might have a need for them.

Fifth. It is likely that in the future Federal agencies and Federal installations will make more adequate provisions for waste treatment facilities. In particular, military installations have been made to realize that they will not be exempt from, but must comply with, the program of pollution abatement.

Sixth. The Bureau of Mines is really going to get to work on the problem of acid mine drainage, instead of just talking about it.

Mr. Chairman, I would like to make some brief comments on the two sections of S. 4 which relate to establishment of water pollution standards and to administration of Federal water pollution controls. Both provisions have a history of extended public controversy; and in both instances the Committee on Public Works has made marked improvement over the version of S. 4 as passed by the other body. We can only hope that the views of the House will prevail when the conferees meet to resolve differences between the two bills.

For my part, I was delighted to learn that the committee had stricken from the bill coming over from the other body the authority granted Federal agencies to set Federal standards for water quality. The hearings in which I participated provided ample evidence that the primary responsibility for abatement of water pollution must reside in the areas affected, if all relevant factors are to be given their proper weight. Our Public Works Committee did a real service to the people of this country by substituting for a mandatory water standard the provision that individual States must within 90 days file a letter of intent that they will establish not later than June 30, 1967, water quality criteria, if they are to be eligible for Federal grants under provisions of this act. This provision leaves primary responsibility for water quality standards to the States, yet because the act will again be reviewed by the Congress when it expires in 1967, they are given strong incentive to put their own houses in order with dispatch.

Let me say I was a little disappointed to learn of the creation of a separate Federal Water Pollution Control Administration within HEW, because I came away from these 2 years of hearings with the distinct impression that the U.S. Public Health Service had been doing a commendable job. However it is not always possible to have everything one would prefer in a bill, and some clauses are included which limit the potential dangers from such a change in administrative structure.

It is noteworthy that only those functions of the Surgeon General relating to

the water pollution control program will be transferred to this new Administration. As was pointed out in debate a few moments ago, even with the changes, the Surgeon General must be consulted by the head of the new Federal Water Pollution Control Administration in all cases of pollution involving public health.

In addition, I am delighted to know that the bill was drawn in such a way that several hundreds commissioned officers now under the jurisdiction of the Surgeon General will be eligible for transfer to the new Pollution Control Administration.

Mr. Chairman, it is a happy occasion for all of us who served on the Natural Resources Subcommittee with the distinguished gentleman from Alabama to see this day arrive when we can join in support of the Water Quality Act of 1965. It makes one proud to think he may have had just a small part in this ever-continuing fight to prevent, control, and abate water pollution and to take this next step in amending the water pollution control statutes of 1948, 1956, and 1961. It is a great day in this House to see some action taken to provide adequate amounts of pure, potable water which is so essential to life's processes. Fresh water is America's most precious natural resource.

(Mr. RANDALL asked and was given permission to revise and extend his remarks.)

Mr. BLATNIK. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. GRAY].

Mr. GRAY. Mr. Chairman, S. 4 which has been reported unanimously by the Committee on Public Works, is good legislation.

I have a deep and abiding interest in the subject of water pollution and, as a member of the committee, have followed with a great deal of interest the public hearings on this bill and related bills. I think this legislation, which is being considered today, is another giant step forward in our efforts to solve the problem of water pollution.

It brings about a number of major and necessary changes in our approach to the overall problem of control of waters and the development of pure waters.

First. It upgrades the administration of the water pollution control program within the Department of Health, Education, and Welfare. This is a needed and necessary step. It places the program as it should be in a separate status so that full time can be given to it by experienced members of that great agency.

Second. The program for the first time is a beginning in solving the problem of storm interceptor sewers. It provides for \$20 million for 4 fiscal years for research work in this most important field. As a result of this research I hope, and the committee hopes, that a program will begin to fully and completely place the storm interceptor sewers on their way to completion.

Third. For the first time by providing an additional \$50 million distributed on the basis of population in addition to the regular authorizations and providing for the fact that if they wish they may par-

ticipate in this phase of the program. It brings into being a concept which we have long sought—a local-State-Federal relationship to control this great national problem and finally, the bill provides for a requirement that the States by June 30, 1967, submit to the Secretary of Health, Education, and Welfare water quality criteria for the several States. With this information at hand both the Secretary of Health, Education, and Welfare and the Congress will have the opening steps, if needed, to still further classify some form of standards for all our streams in the years to come.

I am proud to have been associated with the formulation of this legislation.

In closing, I want to commend the father of the Water Pollution Control Act, the chairman of our Subcommittee on Rivers and Harbors, my good friend and highly able colleague, Mr. BLATNIK, of Minnesota. I also want to commend our able colleague from Alabama, Mr. JONES, chairman of the Subcommittee on Flood Control, who has worked diligently for this bill as well as other important public works programs and I certainly want to commend our distinguished and able chairman of our full Committee on Public Works, Mr. FALLON, of Maryland, for his valuable assistance in connection with this important bill.

I strongly recommend its passage.

(Mr. GRAY asked and was given permission to revise and extend his remarks.)

Mr. BLATNIK. Mr. Chairman, I yield such time as he may consume to the gentleman from Montana [Mr. OLSEN], a member of the committee.

(Mr. OLSEN of Montana asked and was given permission to revise and extend his remarks.)

Mr. OLSEN of Montana. Mr. Chairman, I wish to compliment the author of this legislation, the gentleman from Minnesota [Mr. BLATNIK], for his leadership of our committee in bringing this legislation to the floor. I agree wholeheartedly and support most wholeheartedly the efforts of the gentleman from Minnesota [Mr. BLATNIK], the gentleman from Alabama [Mr. JONES], and the leadership of the committee.

Probably the most important problem in respect to water and water control in America today is the problem of securing good water. Thus, most strongly I support this legislation.

Our greatest single natural resource is "good water." On a Federal level we commenced nearly 9 years ago to face the issue of pure water. We came to realize then and more certainly we realize now that the issue of pure water must be settled soon for the benefit of this generation and certainly for the benefit of generations to come. There is a paramount need for good quality water for all the Nation's uses—public and private, human consumption and industrial use.

With the enactment of the Federal Water Pollution Control Act Amendments of 1961 the program was strengthened in several important ways. Appropriations for waste treatment works construction grants were increased. Research function was strengthened. Appropriations for State program grants

were increased. Then the administration for the program was vested in the Secretary of Health, Education, and Welfare, rather than the Surgeon General of the Public Health Service, and the enforcement authority was extended to navigable as well as interstate waters.

The impact of the Federal program has been impressive. But it has not been enough. It has taken us not less than 9 years from a situation in which untrammelled pollution threatened to foul the Nation's water beyond hope of restoration to a point where we are holding our own.

However, accelerating population and economic growth are imposing ever-increasing demands upon our available water supplies. Therefore, in this act we increase the available funds for each and every phase of the program. And this time we issue a warning and an encouragement to the States. For, 2 years hence, we are demanding that the States pledge that they shall establish State classifications of water. Failing this pledge, they shall receive no assistance. If the efforts of the States are found insufficient upon review, 2 years hence, then it will be our purpose to discuss the establishment of Federal standards on all navigable waters and upon all waters which are found to contribute to the pollution of navigable waters.

In my State of Montana I think we can meet the challenge. I think that our State can establish genuinely pure water standards so that water flowing from our State will be pure water. I sincerely hope that the other States to whom we contribute such an abundance of water will as well meet this challenge.

I think that States and communities and individuals should join in this great crusade to purify and then to preserve pure water.

Mr. BLATNIK. I thank the gentleman from Montana.

Mr. Chairman, I yield 3 minutes to the gentleman from California, the distinguished dean, the chairman of the great Committee on Science and Astronautics [Mr. MILLER].

(Mr. MILLER asked and was given permission to revise and extend his remarks.)

Mr. MILLER. Mr. Chairman, I want to congratulate the Committee on Public Works for bringing out this legislation. I want to congratulate Mr. BLATNIK, the gentleman from Minnesota, for the long fight that he has made in the field of obtaining pure water and the elimination of water pollution. Likewise I wish to congratulate Congressman JONES, who is not here today, unfortunately, but who has done an outstanding job in this field.

Mr. Chairman, I have some knowledge of water pollution and the meaning of water, especially pure water, in this country, because before I came to Congress I was executive officer of the California division of fish and game for 4 years. One of the duties of that commission is the enforcement of water pollution control in our State. We can see and sometimes we can smell the pollution that goes into our rivers, but how about the underground waters of the

United States and their pollution? These are just as important as the waters that flow in our rivers. The continuous use of pesticides, of chemical fertilizers, which are taken underground into our waters, is something which is not only polluting these underground waters but is also polluting the land itself. In going into this field we have to be very careful that we do not treat the symptoms for the disease. There has never been a time when it has been more necessary to get on with this job, but this is a multidisciplinary scientific problem as well as a practical problem. It is a problem which requires the full cooperation of engineers and scientists throughout the country. It is a bigger job than we seek to do through this legislation, which, as important as it is, is only one facet of the problem of water pollution, which is becoming a very popular thing, too. Nevertheless, the real solution for this problem is one which we have not yet found and which will not be found until we apply the same intensive study to the matter of preserving the waters of this country as we apply to developing atomic energy or to the exploration of space. It is going to take almost the same type of effort to accomplish our goal in this field.

The record of the testimony before the Committee on Public Works on water pollution legislation reveals a curious alinement between State agencies and industry in opposing the significant water quality standards provision. Creative opposition, of course, is always beneficial and heartily welcomed. It is difficult, however, if not impossible to discern any creative opposition in these statements.

The formulation of effective Federal water pollution control legislation has been beset by this kind of irrational opposition from agencies fearful of loss of authority and from powerful self-interest groups. These same State agencies loudly denounced proposals for Federal financial assistance to their municipalities for waste treatment works construction when these were first made. We have only to look at the record of impartial and highly successful administration of this particular Federal Water Pollution Control Act program to measure how far wrong the initial opposition was. The strongest proponents now for extending and further liberalizing this program, as proposed in the pending legislation, are the State agencies.

Federal authority to enforce the abatement of pollution was just as vehemently opposed. Yet the States themselves sought and received Federal enforcement assistance in abating 13 pollution situations which were insufficiently responsive to their own efforts.

Let us examine the proposed Federal standards authority. It can easily be seen that this is not a grant of exclusive Federal jurisdiction to the detriment and weakening of State rights. The provision requires consultation with the State and local interests right from the start in the preparation of the standards before they are ever formally promulgated. Here again the Federal standards may not be imposed without affording the States a reasonable time for establishing consist-

ent standards under their own authority. Administrative procedural safeguards are incorporated to give the utmost protection against arbitrary decision or action. We can only conclude that the State agencies resent being placed in a bad light for having abdicated their responsibilities. There is nothing to be gained in acceding to their assertions of State authority and willingness to discharge their obligations whether a period of 2 years, 5 years, or even 10 years is fixed for them to take action. They have not done the job and it is well nigh certain that they will not do the job except in conjunction with cooperative Federal authority and assistance.

The basis for industry's opposition to Federal standards authority can be readily understood if not appreciated. Responsible Federal action is much more inclined to further the ultimate public interest as against a short-term economic benefit. The polluted condition of the Nation's waters dictates that this kind of responsible action be taken now.

There is little merit to arguments against Federal standards which contend that the necessary knowledge and technical information requisite to the setting of standards is not yet available. It would appear that we should wait until the cause of death is determined by a post-mortem examination before we act to apply any kind of preventive medicine. And preventive medicine is exactly the appropriately correct term for standards of water quality. Establishment of already-developed standards on our interstate waters and strong enforcement of the standards once they are established is the soundest approach for preventing pollution from arising in those few streams that have not yet been dirtied. The standards will also demonstrate to municipalities and industries the potential for improving the quality of waters now despoiled by setting reasonable guidelines for effective waste disposal practices. This does not imply that standards are, in effect, a license to pollute. Conservation spokesmen, who have in fact experienced this in certain areas, are to be commended for their forthright demands that this not be allowed to happen. The Congress, of course, can make certain that it does not by carefully watching the administration of this authority if it is provided as it should be.

The strong endorsement and support of the President in behalf of this provision is expressed in his message on natural beauty. As indicated in my previous remarks, there is a total lack of convincing reasons why the Congress should not grant the requested authority. There is every reason, however, as only a look at the Potomac which flows past the Nation's capital will confirm, why the Congress should and must provide the Federal standard-setting authority so that pollution of the Nation's valuable water supplies may be effectively prevented.

(Mr. RODINO (at the request of Mr. BLATNIK) was given permission to extend his remarks at this point in the RECORD.)

Mr. RODINO. Mr. Chairman, I am very happy today to have the opportunity to speak in support of S. 4, to amend the Federal Water Pollution Control Act.

For a long time I have advocated new legislation to control and correct the pollution of our water supplies. And as a member of the NATO Parliamentarians' Conference Scientific and Technical Committee I have been active in promoting studies of environmental health problems, such as air and water pollution. It is for these reasons that I introduced, on January 4, 1965, my own bill, H.R. 151, and that I am proud today to express my strong support for the administration's bill, S. 4.

We can sum up what is happening to the streams throughout our country in just two words: America's shame. Water pollution in the United States has become a menace to our health and an economic problem which robs us of the water we need. It destroys fish and wildlife, threatens outdoor recreation areas, and is often an esthetic horror.

We are daily pouring filth into our lakes, oceans, and rivers from the Snake and Columbia in the Northwest, to the Mississippi and Ohio in the Midwest, to the Passaic and Raritan in the Northeast. In addition to ordinary sewage, outfalls are discharging slaughterhouse byproducts, lethal chemicals, and radioactive matter in our waterways. Polio, infectious hepatitis, and more than 30 other live viruses carried by sewage effluent have been isolated by Public Health Service officials. These germs have even been found in sewage that has already been treated.

It should be of concern to all of us to realize that, because of the necessity of reusing water, there is an almost 50-50 chance that the water we drink has passed through someone else's plumbing or an industrial plant sewer.

The adverse effects of water pollution are much broader than health. Some industrial plants reject water as unfit for their uses. Swimming is forbidden on many beaches. Radioactive wastes are found in drainage basins. Floating garbage and other filth clog water supply intakes of some cities that take their water from open streams. Detergent foam runs from the faucets in several States. Mine acids pollute streams and kill wildlife. Oil spills kill birds and spoil beaches.

The first Federal Water Pollution Control Act, passed in 1948, authorized cooperative studies of the problem. The 1956 amendments authorized Federal grants for a small portion of the costs of sewage treatment plants. This program was strengthened and enlarged in 1961, but it is still not enough. We need to take a more positive approach to the whole problem along the lines of the provisions of S. 4, and we need to do this immediately. The longer we wait, the greater the dangers and the larger the problem.

Our greatest need is for a new national policy for the prevention of water pollution as well as abatement of pollution already created. The passage of

S. 4 will enable us to establish such a policy through the efforts of a Federal Water Pollution Control Administration directly responsible to the Assistant Secretary of Health, Education, and Welfare charged with supervision of all water pollution control functions. It will also provide more money for research, development and construction of municipal sewage treatment works.

The pollution of our waters is the worst in our history, most experts agree. And our future water needs are staggering. We are already using more than 300 billion gallons of water a day, and by 1980 we will be using 600 billion gallons each day. By the year 2000, a trillion gallons. It is clear that we are going to have to reuse our water time and time again.

Water pollution is not an insurmountable problem, but it must be worked on immediately. We must invest more money in city and industrial water treatment plants and provide more research facilities for the development of efficient techniques of waste treatment.

The bill now under consideration is a step toward the achievement of the cleaner water supply needed to promote good health and to serve vital functions in the areas of industry, agriculture and recreation.

President Johnson has said that:

A prime national goal must be an environment that is pleasing to the senses and healthy to live in.

Passage of S. 4 is certainly crucial to achievement of this objective, and I urge its prompt and unanimous approval.

(Mr. STALBAUM (at the request of Mr. BLATNIK) was given permission to extend his remarks at this point in the RECORD.)

Mr. STALBAUM. Mr. Chairman, the poisoning of America's waterways is a growing scandal. This pollution of our great natural resources is reaching the point where it is getting late.

An overwhelming mail response to a recent newsletter describing the urgent need for the preservation and restoration of this Nation's resources seems timely proof that our citizens are finally becoming alarmed over these shocking developments. My esteemed Wisconsin colleague, Senator GAYLORD NELSON, joined me in pointing out the steadily worsening problem of pollution of our waterways.

The bill before us today to strengthen the Federal water pollution control program is most necessary in the current battle for conservation; the grim picture of the destruction of this great natural resource is all the more reason to do something now.

We must take action immediately or the green velvet countryside and glittering blue lakes will become so devastated as to deprive our children and succeeding generations of a land of beauty. Continuation of this critical poisoning of our waters will do untold damage, too, to the utilitarian aspects of this resource.

The lakes and streams of our country not only serve people as a source of water supply but provides everyone with ideal recreation and sport, and remains as a big part of this Nation's economy. I feel

a great urgency in requesting our consideration and action in moving to stop pollution and provide protection for our country's waters.

Mr. BLATNIK. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia, [Mr. KEE].

Mr. KEE. Mr. Chairman, I rise at this time to pay tribute to the bipartisan leadership of the House Committee on Public Works for their dedicated work, which is based on experience, in drafting and bringing to the floor of the House this afternoon the Water Quality Act of 1965.

Water, clean water, is the most important domestic problem facing the American people today. This bill which we are now considering, as written, is one of the finest and most important pieces of legislation ever presented before the House of Representatives. Therefore, in conclusion, Mr. Chairman, I strongly recommend and urge Members of the House to see to it that this bill may unanimously pass without amendment. America needs this legislation. America needs clean water.

Thank you very much.

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. MIZE].

Mr. MIZE. Mr. Chairman, this is an excellent program. I live on the Missouri River. We call it the Big Muddy. I am happy to support this excellent program.

I want to remind Members of the House that we are being asked to spend \$150 million in connection with cleaning up our rivers, and yet, before long, we are going to be asked to sustain a cut of \$120 million in the agricultural conservation practices program. I hope we will all be consistent and restore that cut because permanent agricultural conservation practices contribute to the cleanliness of our streams and rivers.

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BALDWIN].

Mr. BALDWIN. Mr. Chairman, I rise in support of the bill S. 4. It was my privilege to support the original Water Pollution Control Act when it was passed through our committee and by the House in 1956. It was also my privilege to support the extension of the act in 1961. This is a further step toward the basic objective of cleaning up undue pollution in the streams of America. This is one field that the people of the United States fully understand. I do not think there is a person in this country who has any doubt whatsoever that there is a need to do something to control stream pollution, because every person can see with his own eyes the adverse results of pollution in streams throughout the Nation.

We have tremendous public support for legislation along these lines. I am very pleased to have been a member of the committee in their deliberations on this bill. It has my full support and I hope it will have the unanimous support of the House of Representatives today.

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. BALDWIN. I yield to the gentleman.

Mr. BLATNIK. Mr. Chairman, I appreciate the gentleman's remarks. I should like to express for myself and for the gentleman's many, many friends on this side of the aisle our great delight in welcoming back this modest, dedicated, and devoted Member of the House. He has been through an ordeal far beyond normal. Again, we welcome him with great enthusiasm and delight.

Mr. BALDWIN. Mr. Chairman, I thank the gentleman.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. BALDWIN. I yield to the gentleman from Florida.

Mr. CRAMER. Mr. Chairman, I should like to join in the comments made by the gentleman from Minnesota [Mr. BLATNIK]. There is probably no more dedicated member of the Committee on Public Works, no one more capable member, than the gentleman from California. We are certainly delighted to have Mr. BALDWIN back doing his customary sterling job.

Mr. BALDWIN. I thank the gentleman.

Mr. CRAMER. Mr. Chairman, I yield such time as he may require to the gentleman from California [Mr. DON H. CLAUSEN].

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in support of this legislation. I am pleased to follow the very able and distinguished gentleman from California [Mr. BALDWIN] who has certainly provided the committee with great leadership. I join the gentleman from Minnesota [Mr. BLATNIK] and the gentleman from Florida [Mr. CRAMER], in their expressions of pleasure at having him back with our committee. We need his wise counsel and advice on many of these matters. He is certainly one of the finest Members of the House, and I have been pleased to be able to serve with him on this committee.

I was especially pleased with the deliberations on this bill, on this very important matter of improving the quality of water in the streams throughout America, the discussion was fully bipartisan. All of the comments relating to the exceptional cooperation of this committee that have been made here today are true and are certainly to the credit of the committee.

As was previously mentioned, during the committee hearings, there was never an ounce of doubt in the minds of the participating members that we were purely objective. There was no partisanship. I think the fact that the bill has come out of the committee with unanimous support is evidence of that point.

We must certainly move to improve the quality of water in all of the States. And, of course, as the gentleman from Minnesota [Mr. BLATNIK] said, we have used the carrot as well as a prod to the States and local governments primarily responsible for water pollution control programs.

I would like to refer to this frankly as the motivated voluntary effort. However, I would want to admonish the

States themselves that if they do not want Federal controls or Federal standards that certainly they are going to have to take the lead themselves, working in unison with all local units of government, to resolve some of these problems.

Mr. Chairman, this has been the great problem of America, the lack of leadership, the lack of ability sometimes to move forward and resolve problems in the environment where they exist.

Mr. Chairman, this bill is designed to provide the additional authorization and in 1967 we will again review this important subject. I would hope that we can see progress that follows the intent and objectives of the committee itself, as we have worked diligently and with dispatch to further the improvement of water quality throughout America.

I urgently request all Members to support this legislation and make this a historic day in the orderly development of adequate conservation measures.

Mr. CRAMER. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. HARSHA].

(Mr. HARSHA asked and was given permission to revise and extend his remarks.)

Mr. HARSHA. Mr. Chairman, water is one of the most important of our natural resources, and the entire fabric of our society is dependent on it. The wise and proper use of this great asset is essential to the growth and welfare of this Nation's fish and wildlife, our communities, our industries, our agriculture, and the very well-being of man himself.

Because the social and economic development of this country is so entwined around an adequate supply of clean water, the pollution of this Nation's streams, lakes, and waterways is one of the gravest domestic problems confronting us today.

Admittedly, significant progress has been made in combating pollution in the last few years, but a great deal remains to be done. We are far from having conquered the problem. Actually we have only begun—the war on pollution. The struggle to preserve and restore the waters of the Nation is a struggle which will not be won within the next few years or even within the next few decades. It is a struggle which will require the combined effort of Federal, State, and local governments. S. 4 as reported by the House Public Works Committee provides us with some of the tools to wage this war on pollution. For the first time in the history of Federal water pollution control legislation in this Nation, the bill before us today, S. 4, as reported, takes a step toward a cooperative effort among the three levels of government to share in the costs of construction of sewage treatment works. It has become obvious that a solution to the water pollution problem can be found only through the concerted action of all levels of government.

Despite the conviction of the minority on the Committee on Public Works that action to solve our water pollution problems was and still is urgently needed, it was our belief that many of the bills before our committee this session on the subject of water pollution control, con-

tained unwise, undesirable, and unacceptable provisions.

After public hearings were held on these bills, lengthy deliberations of the committee were conducted in a bipartisan atmosphere. As a result of these deliberations, the committee has reported an amended bill which we do support. Even though it still contains sections about which we have reservations, such as the establishment of an additional Assistant Secretary of Health, Education, and Welfare, and the establishment of a separate Federal Water Pollution Control Administration within the Department, we feel the bill makes a great contribution to the struggle to combat pollution.

S. 4, as reported, is an acceptable and workable bill, and it is my hope that there will not be any attempt to amend the bill on the floor today to reincorporate those unwise, undesirable, and unacceptable provisions which the committee struck out.

I refer specifically to that section in S. 4, as passed by the other body, which would have given the Secretary of HEW the authority to promulgate regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof. These standards would have been promulgated and would have been mandatory if, within a reasonable time after being requested by the Secretary to do so, the appropriate States and interstate agencies had not developed standards found by the Secretary to be consistent with the stated purpose of the bill.

We, and evidently a considerable number of the majority on the committee, are strongly opposed to such a provision. Standards of water quality may be badly needed, but they should be established by the State and local agencies which are most familiar with the matter in a given locality, such as the economic impact of establishing and enforcing stringent standards of water quality.

The water pollution control program has traditionally been one of Federal-State cooperation, and while there can be no question of wishing to have the highest possible standards, I believe that the authority authorized by the other body would be contrary to the Federal-State cooperative relationship which has heretofore existed, and in fact do violence to that relationship and cooperation. Maximum progress in this field will only be achieved through cooperation between State and Federal agencies and to endanger this cooperation would be to hinder the objective of maximum progress. Authorizing the Secretary of HEW to promulgate and enforce such standards to the exclusion of the States would obviously discourage the States and local agencies from developing their own plans and standards for water quality and purity. It would give a single Federal official the power to control the economic, recreational, industrial, agricultural, and municipal uses of all interstate waters and subsequently lands adjacent to those waters in all parts of the Nation. A Federal bureaucracy would actually have the control of economic life or death over any given area within this Nation. It does

not take a very vivid imagination to realize the ramifications of vesting such authority in the Federal Government. Such power over local affairs has never been vested in a Federal official, and we are opposed to doing it now.

After exhaustive consideration of this proposal, the committee approved a substitute provision which requires a letter of intent from the State that it will "establish water quality criteria applicable to interstate waters" by June 30, 1967. This is an acceptable provision and a vast improvement over the Senate version. The existing law declares that it is the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, and this new provision is consistent with that policy.

Mr. Chairman, public health is one of the primary objectives in any pollution abatement effort and the committee has provided that the Surgeon General must be consulted on the health aspects of water pollution by the new administration. As all of the Members know, the State authorities desire to keep public health in the pollution abatement picture and this should be done—since the necessity for insuring an adequate supply of pure water is based on human needs.

A compromise was made in the amounts of Federal grants for construction of sewage treatment works, as well as in the increased annual appropriation authority. The Republican position for years has been that the States should be encouraged to join in the construction of sewage treatment works, and this is accomplished under section 4, which permits Federal grants above dollar ceiling limitations only when the States match the Federal grants for such projects.

One other important revision in the law that is authorized by this bill before us today is the subpoena power. At the outset it was suggested that this authority be applied to all phases of the enforcement sections, but realizing that this might lead to unnecessary harassment, the committee wisely limited this power to the public hearing stage with the provision that no trade secrets or secret processes need be divulged.

Mr. Chairman, those are the major revisions. S. 4, as reported, is supported by the minority of the committee, and we hope that this body will have the good judgment to pass this bill in the form it has been submitted by the committee.

Mr. THOMPSON of Louisiana. Mr. Chairman, I yield such time as he may desire to the gentleman from Hawaii [Mr. MATSUNAGA].

Mr. MATSUNAGA. Mr. Chairman, I rise in support of S. 4, the Water Quality Act of 1965.

It is often said that pure water is man's greatest asset. The truth of the statement is self-evident. The important corollary to that statement, one that we too often do not fully appreciate, is that pure water is water that is free of harmful impurities, in other words, water that is not polluted. And the problem of preventing pollution of water is intricately interwoven with the problem of

controlling the discharge into any waters of untreated or inadequately treated sewage or other waste.

These are problems which experience shows that our States, cities, and towns are not able to resolve without Federal assistance. This bill will not only continue to provide that assistance, but it will increase the volume and widen the scope of that assistance.

Noteworthy, for example, are the provisions in the bill which would increase the amount for a single municipal grant from \$600,000 to \$1.2 million and raise the ceiling for multimunicipal sewage treatment works from the present amount of \$2.4 million to \$4.8 million. As our Committee on Public Works has pointed out, this increase is expected to induce communities with larger populations and, therefore, larger costs to undertake construction of needed sewage treatment works.

While providing for the needs of larger communities, the bill also takes into consideration the pressing needs of the smaller communities. This it does by the allotment of the first \$100 million on the basis of the existing formula that takes into account population and per capita income. The smaller communities are also protected by the provision that at least 50 percent of such \$100 million is to be used for grants to projects servicing municipalities of 125,000 population or under.

In my own State of Hawaii, these provisions which assure aid to smaller communities will provide much needed assistance to our smaller cities and towns in the construction of sewage treatment works.

Mr. Chairman, the need for upgrading our pure water program is imperative, and I urge a vote in favor of this bill.

Mr. THOMPSON of Louisiana. Mr. Chairman, I yield such time as he may desire to the gentleman from New Jersey [Mr. THOMPSON].

(Mr. THOMPSON of New Jersey asked and was given permission to speak out of order, and to revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Chairman, H.R. 77, which I introduced this year, would have the effect of repealing provision 14b of the National Labor Management Relations Act of 1947. Since the true meaning of this bill has already been obscured in ads in major newspapers, it would be well to elaborate on this proposal. H.R. 77 would simply close a loophole in the body of Federal labor law which allows the States to interpose themselves in only one area between the contracting parties in a labor agreement. Every other aspect of the process leading to a labor contract in industries affecting commerce is governed by Federal law. Yet, in the single area of the right of a union to vote to negotiate for a union security clause calling for the union shop, States have been left with the power to interpose themselves. This power frustrates the right of free Americans operating in a legal group to vote to adopt policies and goals which they desire.

This erodes the overall national policy which has governed American labor relations for 30 years; the policy that the

union by democratic means shall adopt the goals it wishes in collective bargaining. The repeal of these antivoting laws would have one chief and primary effect. The repeal of 14b would remove from the States the power to outlaw the union shop in those plants involved in interstate commerce. This in turn would have two immediate consequences.

First, it would return to the employer and the employees' duly elected bargaining agents the right to fix conditions of work, including the question of union membership, without interference of State law.

Second, it would remove from the political arena the prospects of recurrent and divisive debates about the enactment of laws which prohibit unions from negotiating contracts which have union security provisions making union membership a condition of work. Repeal of 14b would not have the effect of enacting automatic compulsory union membership.

The issue involved is simple and straightforward. Shall employees have the right to establish as a bargaining goal union membership as a condition of employment? It is the right to vote on this question which is the fundamental issue. In the United States lawful organizations vote to decide on the policies and goals which they favor. As Gov. George Romney, of Michigan, has said of these restricting laws:

These laws, whether National or State, are not the answer, because they deny to workers the same organization rights exercised by stockholders. Management and its policies are the result of majority votes by stockholders, and minority stockholders must accept the will of the majority or sell out. In the American economy and political system, workers must have the same rights of organization.

Limitations are placed upon this right to vote only when the policies adopted would harm the public interest.

It has now been 18 years since the passage of the Labor Management Relations Act of 1947. In this time the union shop has not endangered the public interest in those States which have not restricted the right of unions to bargain for this goal. The public interest in these States has not been damaged because of the exercise of the right to vote by union members to seek a union shop. This is the test of whether or not union shops should be lawful. If it cannot be demonstrated, as it has not been, that the public interest has been harmed by the existence of the union shop, then laws which unfairly restrict the freedom of choice on the part of the union to adopt policies which do not endanger the public interest would be superseded by Federal law which will reestablish the right to vote on this question.

We have heard no outcry from the National Right To Work Committee or the NAM for legislation to guarantee the "right to work" of individuals laid off or released because of automation or by reason of management's decision to move a plant. There has been no suggestion that the inconvenience or injury caused to these individuals has damaged the public interest to the extent which would require passage of legislation. The sole

concern of the proponents of the so-called right-to-work law is, in their own words, that the "right of the individual to keep his job whether he belongs to a union or not be protected." I suggest that this antiunionism does not justify the violation of the basic freedom of individuals to determine by majority vote the goals and policies of the group.

The inconsistency of these restricting laws with national policy is especially obnoxious when its effect is to undermine a Federal policy carefully and wisely built up over the years. The whole tenor of U.S. labor policy since the 1930's has been to encourage and fortify collective bargaining as the main instrument in labor-management relations. To enable States to pass compulsory open-shop laws is to erode that national policy. Thus, section 14b is inconsistent with section 1 of the Wagner Act, which is explicitly reasserted in Taft-Hartley:

It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce * * * by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

In debate which preceded passage of the Taft-Hartley Act, the union shop was not ignored. It was specifically discussed. Congress refused to enact a Federal sanction against the union shop. The arguments which prevailed then against such Federal action should be equally as sound now against permitting the States opportunity to outlaw it. That argument was stated best by Senator Robert Taft:

This amendment * * * proposes completely to abolish the union shop. * * * We considered the arguments very carefully in the committee, and I myself came to the conclusion that (since) there had been for such a long time so many union shops in the United States (and) since in many trades it was entirely customary and had worked satisfactorily, I at least was not willing to go to the extent of abolishing the possibility of a union shop contract.

I think it would be a mistake to go to the extreme of absolutely outlawing a contract which provides for a union shop requiring all employees to join the union, if that arrangement meets with the approval of the employer and meets with the approval of the majority of the employees and is embodied in a written contract.

Unfortunately, the question of the right of employees to negotiate for a union shop as a condition for employment has become obscured by the emotional overtones of the debate about so-called right-to-work laws. This right-to-work position constitutes a mountain of distortion. This distortion was authoritatively exposed by the late Secretary of Labor James P. Mitchell:

They call these "right to work" laws, but that is not what they really are. * * * In the first place, they do not create any jobs at all. In the second place, they result in undesirable and unnecessary limitations upon the freedom of working men and women and their employers to bargain collectively and agree upon conditions of work.

Supporters of right to work are engaged in the biggest masquerade since the beginning of the Mardi Gras and Halloween. We find the NAM a passionate defender of the right of the workingman not to join a union. When the wolf advocates Red Riding Hood's right to travel, beware. When the NAM is concerned with the right of the workingman not to join a union, beware.

The present activity in the defense of 14b by the NAM and other business interests is not without precedent. In 1903 the NAM sponsored an open shop drive—open the shop to nonunion employees. Following World War I, employer organizations sponsored the American plan—abolish the un-American closed shop. Following World War II, we have witnessed the right-to-work movement. The underlying purpose of all these drives is to hamstring union organization. So long as unions must fight to exist, so long as the principle of good faith collective bargaining is denied in large areas, employees need and should have the freedom to protect themselves by exercising their right to negotiate for and enter into union security agreements.

I submit that the workingman is the best judge of his own interests. The repeal of section 14b of the Labor Management Relations Act would allow workingmen in all States to determine for themselves whether they feel their interests would best be served by the union shop or the open shop. The National Right To Work Committee, in a full page ad in the Washington Post on April 25, asked—"Who in good conscience can vote to repeal this freedom safeguard?"

I ask, who in good conscience can limit American workers in their right to negotiate their contract rights, their right to vote to decide what is best for themselves? I submit that the repeal of 14b will allow him to make that decision. I believe that the worker can best protect his freedom by exercising it through his right to vote.

Mr. BLATNIK. Mr. Chairman, I yield such time as he may desire to the gentleman from Texas [Mr. PICKLE].

(Mr. PICKLE asked and was given permission to revise and extend his remarks.)

Mr. PICKLE. Mr. Chairman, there is no doubt in my mind that this Nation—and, indeed, the entire world—faces a deathly disastrous water shortage unless immediate steps are taken to plan for future needs.

The time can certainly come when the booming population's growing demands for clean water will greatly exceed the available supply. I say "clean" water, Mr. Chairman, because the vastly abundant supply of available water we have is not all good water. The oceans are the best example of this, as well as the huge underground supplies of brackish, unusable salt water. But more threatening to future generations is the ever-swelling supply of polluted sewage waters and the increasing contamination of our streams and rivers.

As the population explodes, the amount of polluted water becomes greater, while the demand for additional pure water in-

creases. This puts a continual strain on existing supplies and, as time passes, the situation can only become worse.

In my opinion, Mr. Chairman, it is time we in Congress began to think in terms of water quality. And it is time we took effective action now to meet the pressing problems of water pollution.

I am convinced that the measure now before us, S. 4 by Mr. MUSKIE, as amended and submitted to the House by the Honorable JOHN BLATNIK from the Committee on Public Works, should be enacted without delay as an effective means to assure future generations of an adequate and ample supply of clean water.

Mr. BLATNIK. Mr. Chairman, the gentleman from New Jersey [Mr. HOWARD] has already demonstrated his capabilities in representing the citizens of the Third Congressional District of his State. In addition, he has become a valued member of the Committee on Public Works. I wish at this time to make the remarks which he prepared for presentation during the committee's recent public hearings on S. 4, the Water Quality Act of 1965, a part of the record on this important legislation. Through inadvertence, his statement failed to be included when the hearings went to print. The following remarks were prepared for delivery at 9:30 a.m., Friday, February 19, by Congressman JAMES J. HOWARD, Democrat, Third District of New Jersey, before the House Committee on Public Works at its hearings on water pollution control.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The remarks referred to are as follows:

Mr. HOWARD. Mr. Chairman, as a new Member of Congress and of the Committee on Public Works, I am honored to have this early opportunity to express my support for H.R. 3988, the Water Quality Act of 1965. The members of this committee, under the strong leadership of its chairman, have already made great and farsighted contributions to conservation in this country. The Water Quality Act of 1965 will give this Nation new tools with which to conserve that resource which may soon become our most precious—water. In commenting on H.R. 3988 today, I should like particularly to discuss one aspect of it, the creation of the Federal Water Pollution Control Administration.

The Third Congressional District of New Jersey—Ocean and Monmouth Counties—is a very water-conscious district. The lessons of the need to combat pollution have been learned the hard way by the residents of this area. Raritan Bay, which separates Monmouth County from Staten Island and Long Island, N.Y., may be this country's worst instance of the pollution of salt water.

Recently a Federal study of Raritan Bay pollution, with the help of some economists, has been able to estimate in dollars the damages actually inflicted by the pollution of Raritan Bay. The hard clam industry, once a major source of income in the bay towns, has had to be closed almost entirely, due to the presence of fecal bacteria in the shellfish which caused a serious hepatitis epidemic in 1961. The present value of the remaining shellfish industry is \$40,000 a year; the projected value of the industry if the water were to be cleaned up is \$3 million a year. The fin fish industry is currently worth only \$200,000 a year; it is estimated that figure could be doubled if the water were clean. Many of the popular bathing beaches have had to be closed. The current yearly income from businesses associated with bathing beaches is \$500,000; economists estimate that with the literally limitless demand for recreational opportunities in the New York metropolitan area, these businesses could be worth \$10 million if the water were clean. The boating industry, including marinas and other docking facilities, is now worth three-fourths of a million dollars a year; it could easily reach \$1½ million.

These figures on the value of fishing and recreation, do not, of course, and cannot include the inestimable value of safety for our people and, particularly their children. Although beaches and shellfish beds are closed, it is well known that children do swim in them and that unscrupulous clambers do take clams from polluted beds, and that the job of patrolling these waters adequately to prevent these dangerous incursions is beyond the power of State authorities.

New Jersey residents have, due to the financial inability to cope with a rapidly expanding population, failed to adequately treat their wastes, both municipal and industrial, before discharging them into public waters. But residents in the Raritan Bay vicinity have been equally, if not more, damaged by discharges of untreated and inadequately treated sewage from New York. Everyday, Manhattan alone discharges over 50 million gallons of raw sewage into New York Harbor, and more than half of the pollution of Raritan Bay comes into the bay from New York Harbor. This amounts to interstate pollution of the worst sort, precisely the interstate pollution that the Federal Water Pollution Control Act of 1956 was designed to correct.

President Johnson, in his message on natural beauty, spoke of the need for a new conservation. The old conservation, of protection and development, will no longer do the job, he said. What is needed now is a firm, regulatory hand. There must be no more procrastinating. Staff of the Department have prepared a priority list of 90 polluted interstate rivers which may require enforcement action; this action must be taken as expeditiously as possible.

For Federal enforcement to be fully effective, there must be continued popular support for the cause of pollution control. The creation of the Federal Water Pollution Control Administration, in addition to freeing the program from some bureaucratic slowdowns, will also serve to make the public more aware of the urgency of ending the pollution of our Nation's water resources. The country's demand for clean water is rapidly approaching the limit of its current supply, and unless action is taken to reclaim polluted water immediately, the year of 1980 may see our water supply inadequate to meet demands.

The Senate has passed a water pollution control bill, similar to H.R. 3988, by a non-partisan vote of 68 to 8. I hope that, under the able leadership of the chairman of this committee, the House of Representatives will pass the excellent measure proposed by the chairman quickly and with as great a majority.

Mr. BLATNIK. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. HOWARD] such time as he may desire.

(Mr. HOWARD asked and was given permission to revise and extend his remarks.)

Mr. HOWARD. Mr. Chairman, I am privileged to speak today in support of one of the key pieces of legislation in the Nation's conservation program, the Federal Water Quality Act of 1965. President Johnson's Great Society program is, in a sense, a giant conservation program: a plan for making the most of human, natural, and economic resources. This Congress, in passing the Appalachia bill and other pieces of legislation in the war on poverty, has determined to end the anomaly of a wealthy nation, the wealthiest in human history, permitting a large fraction of its population to be damaged and degraded by poverty. It is equally anomalous for a wealthy nation to permit its natural resources to be damaged and degraded. The amendments to the Water Pollution Control Act of which I am proud to be a cosponsor aim to put an end to the abuse of needed resources. We have become great by using our resources; we must see that we do not now undermine our greatness by destroying them through careless waste and mismanagement.

The legislation we will pass today is designed to attack water pollution from all sides. We will attack it by means of a stronger enforcement program; by increased and better distributed Federal grants for construction of waste treatment facilities; by Federal grants for research and development.

The administrative provision of the bill, which forms the basis for all its other functions, is the creation of a Federal Water Pollution Control Administration within the Department of Health, Education, and Welfare. The new Administration will demonstrate the urgency of the need to abate pollution in America and at the same time provide the necessary machinery to do it. Today the Federal pollution control program is buried deep within the bureaucracy of the Department—branches within a division within a bureau within an office within an agency. With such an operation it has been difficult to inform the public of how crucial our threatening water shortage may be. It has also been difficult, for a program hindered by the redtape that accrues to a program so low in the chain of authority, to take imaginative, rapid, and forthright action to stop pollution. The new Administration, when supplied as it must and will be with an able Administrator and an expanded and capable staff, must at the very least triple the current pace of pollution abatement.

The bill provides for an important increase in authorization for Federal construction grants. The amount authorized in the new bill, \$150 million a year, could be doubled or tripled and still be well spent. But this 50-percent increase should do much to stimulate construction of waste treatment facilities.

The bill also strengthens the enforcement arm of the program by providing

subpena power to the Secretary in connection with the hearings that may be called if there is no compliance with conference recommendations. This power will enable the Administration to obtain, for example, data on industrial waste discharges, when such data is not forthcoming in the normally cooperative way.

The bill recognizes the growing contribution of storm-caused overflow of sewage and municipal wastes to polluting our streams. Grants for research and development work on this problem are provided with a total authorization of \$20 million a year.

Finally, the bill recognizes particularly the damage inflicted by water pollution on the country's shellfish industry. I should like to expand somewhat on this point, for it is worthy of particular attention. Shellfish, particularly clams and oysters, are adversely affected by many pollutants. Research done by the Department of Health, Education, and Welfare is beginning to demonstrate that papermill wastes are toxic to oysters. It has long been known that both clams and oysters are sensitive to bacterial contamination, and that shellfish from polluted waters can cause serious illness, including hepatitis, in man. As a result of pollution, many beds that were once leading producers of shellfish have had to be closed by State and local authorities. Even more worrisome is the fact that the patrolling of closed beds is usually not adequate, and in many North Atlantic bays the poaching of shellfish from polluted beds and marketing them illicitly is a lucrative business. I am sure that my colleagues are aware of the several disastrous instances in which severe hepatitis epidemics have been caused by shellfish.

There are several factors that make pollution a particular hardship for shellfishermen. Stationed at the mouths and estuaries of rivers, they must watch angrily as year by year their upstream neighbors make of their river a dirtier and dirtier stream. Not a particularly powerful political force, shellfishermen have had little success in pleading their cause to State legislatures. Furthermore, Federal law itself discriminates against them: the Public Health Service is required to prohibit the movement of shellfish taken from polluted beds in interstate commerce, thus confiscating the product of the fisherman for no fault of his own. Yet no Government agency, as of today, is required to act to abate the pollution that ruined the fisherman's crop.

The shellfish provision in this bill will attempt to protect the economic interests of the shellfish industry, as well as the safety interests of the general public, by making "substantial economic injury from the inability to market shellfish or shellfish products" grounds for a water pollution control enforcement action. An additional tool in this many pronged attack on water pollution, the shellfish provision should correct a particular injustice that has been done to a small but priceless industry.

I would point out that my own district of Monmouth and Ocean Counties in the Third District of New Jersey lies along the Atlantic Ocean between the Raritan Bay on the north and extending below Barnegat Bay to the inlets south of Long Beach Island.

In my district the hard clam industry, once a major source of income in the bay towns, has had to be closed almost entirely, due to the presence of fecal bacteria in the shellfish which caused a serious hepatitis epidemic in 1961. The present value of the remaining shellfish industry is \$40,000 a year; the projected value of the industry if the water is clean will rise to some \$3 million a year. The fin fish industry is currently worth only \$200,000 a year and it is estimated that this figure will be doubled if the water is cleaned.

The Federal Water Quality Act of 1965 is indeed a conservation milestone for which a major share of the credit must go to JOHN BLATNIK, Congressman from Minnesota. Author of the 1956 Federal Water Pollution Control Act, this ardent lover of Minnesota's beautiful waters has not rested since that time. He has ceaselessly inquired into the operations of the water pollution control program, concerning himself with the smallest details and the largest policies. As a result of his efforts, we now have a bill carefully and expertly tailored to fit the task. I am confident that the House will endorse it overwhelmingly.

Mr. THOMPSON of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I am happy to yield to the gentleman.

Mr. THOMPSON of Louisiana. Mr. Chairman, I would like to associate myself with the remarks of the gentleman in regard to shellfish and other foods of the ocean. Coming from a coastal State which is one of the great producers of oysters and shrimp and other seafood, we have had problems of pollution over the years. We have cleared up some of these problems through our own State initiative, but it also goes to show that the States that are desirous of solving their own problems and cleaning up this water pollution need the helping hand of big brother, that is the Federal Government.

Mr. HOWARD. I thank the gentleman from Louisiana and I imagine the gentleman agrees that it is difficult for the poor shellfishermen to stand idly by while upstream pollutants, possibly from other States, pollute the water in his area and he is helpless to do anything about it.

Mr. CRAMER. Mr. Chairman, I yield 5 minutes to the gentleman from New Hampshire [Mr. CLEVELAND].

Mr. CLEVELAND. Mr. Chairman, before making my formal remarks in support of this legislation, I have a question I would like to ask the distinguished chairman of the subcommittee that considered this legislation, the gentleman from Minnesota [Mr. BLATNIK]. This has reference to subsection (h) of section 4, which is found on page 24 of the bill S. 4, as reported.

Before asking this question of our distinguished colleague, I would like to commend him as I would like to commend my colleague, the gentleman from Florida, for the bipartisan manner in which this bill was handled in committee. I think it is a stronger bill than it was and a better bill.

My question to Mr. BLATNIK is this: Under the provisions of subsection (h), which adds the new subsection (f) to the basic legislation—I have specific reference to the type of situation which might occur in the northern part of my district, where are located the headwaters of a river—if two or three towns got together and set up a regional planning agency for sewage control, if this were properly certified by the Governor of the State and otherwise came into conformity with this section, would the community qualify for this extra 10 percent of assistance? I am a little confused by the use of the word "metropolitan." In my district the towns involved are quite rural in nature. That is why I am concerned.

Mr. BLATNIK. Yes. In the opinion of the subcommittee chairman the areas would qualify. The intent was not to place any rigid interpretation on the word "metropolitan" even though the bill later, on page 25, line 7, does state:

For the purposes of this subsection, the term "metropolitan area" means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget—

The key language, I call to the attention of the gentleman, is at the bottom of page 24—

or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used.

And the following is the key language: for other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning)—

It was our purpose to make that flexible. In my opinion the situation the gentleman referred to would be covered, and that area would be eligible.

Mr. CLEVELAND. I thank the distinguished gentleman from Minnesota. His words are most reassuring. We should all bear in mind that although many of the water pollution problems faced by the Nation are found in the city areas, by clearing up pollution of headwaters of some of our rivers there will be a great public benefit not only to the cities themselves, for water supply, but also for recreational benefits accruing to many people in the country.

I know the distinguished gentleman from Minnesota is aware of this, but we must also remember that in the headwaters areas where the pollution occurs the communities generally are smaller and their capacity to construct sewage treatment facilities and to pay the proper share of them is less.

Mr. Chairman, I am pleased to recommend S. 4, as amended, to the House. As a member of the Public Works Com-

mittee, I took an active part in the hearings on the bill and in the committee. This measure represents the best bipartisan, constructive effort. Substantial improvements have been made in the bill as it came to us from the Senate.

Our country has made great strides forward in the campaign against water pollution begun when the first national program was established under the Eisenhower administration, nearly 9 years ago. The program was strengthened further by amendments enacted during President Kennedy's first year in office.

As the committee report states:

The impact of the Federal Water Pollution Control Act has been impressive. It has taken us in less than 9 years from a situation in which untrammeled pollution threatened to foul the Nation's waterways beyond hope of restoration, to a point where we are holding our own.

Greater efforts, made possible through these current amendments, however, are needed. It is not enough to hold our own at present levels. The pressures of population growth, the growth of our cities, and the changes in industrial technology make it imperative to step up the program.

It goes without saying that water is one of our most precious resources. Although it exists in tremendous quantity in a variety of ways, the time has past when we can use it carelessly. Through many years of direct experience and legislative work in New Hampshire, I have become intimately familiar with problems of water conservation and pollution in northern New England.

EXPERIENCE GUIDED AMENDMENT

It was on the basis of this experience that I vigorously opposed a provision in S. 4 as it was passed by the Senate that would have authorized the Secretary of Health, Education, and Welfare to prepare regulations setting forth standards of water quality to be applicable to waters covered by the bill. Under this provision, the Federal agency would establish standards that would be mandatory on the States. Happily, this provision has been changed by the committee and the bill now places responsibility for setting standards on the States.

High standards of water quality are essential but they ought to be set by those local agencies that are familiar with the local conditions including economic factors. There are places in New Hampshire, for instance, where a mandatory Federal standard set by a remote official could, conceivably, restore a river to its natural purity but only by ruining paper mills, which are the main or even the sole industry for an entire region. This is a problem that exists in various forms throughout the country. In legislating on the problem, we must take care to provide for a careful balancing of community interests. S. 4, as we have amended it, provides for this in the only practical way it can be done, that is, by working through the State and local governments.

FEDERAL ZONING CONTROL OPPOSED

The Senate version of the bill actually would discourage State and local governments from developing their own plans

for water quality control. Moreover, it would give the Federal Government effective power to establish zoning measures by which to control the use of land within watershed areas in every part of the country. Such power over local affairs never has been vested in a Federal official and should not be. The drift toward centralization in this Nation is serious enough without accelerating it deliberately and unwisely.

Accordingly, the committee has removed this provision and instead has inserted a requirement for the States to file letters of intent setting forth their standards of water control. States that do not do so within a specified time limit would not receive any funds under this act.

The bill has been amended further to increase the authorization for grants to States for construction of waste treatment facilities and new incentives for the States to participate in the costs have been written in. The bill does not go as far along this line as I would have liked but it provides an important step forward.

CLEVELAND AMENDMENT EXPLAINED

It is a matter of keen regret to me that the Public Works Committee would not accept my proposed amendment to this bill, which would have given an extra boost to hard-pressed communities in disadvantaged and depressed areas. Under the provisions of my proposed amendment, communities in depressed or disadvantaged areas would receive an extra 15-percent contribution from the Federal Government provided they were located in States that matched equally the basic 30-percent Federal contribution. My reasons for proposing this amendment are, of course, clear. When we consider that in Appalachia, communities there may receive up to 80-percent Federal assistance for sewage treatment plans, it seems only fair that, in northern New England, communities should be entitled to at least 45-percent Federal assistance. Many of our headwater communities simply do not have enough taxable property to support large sewage treatment plants, the purpose of which is to ultimately benefit larger and more prosperous communities located down river, and, in deed the entire Nation, by improving our water resources and recreational opportunities.

In this connection, I am proud of the leadership in New Hampshire's General Court that have proposed to increase New Hampshire's share upward from the present level of 30 percent as high as any in the Nation. I applaud their constructive proposal, but, in certain rural areas of New Hampshire, I think it only fair that the Federal Government should do more.

In conclusion, Mr. Chairman, I repeat my statement this measure is the product of careful, bipartisan deliberation. I urge its adoption.

(Mr. CLEVELAND asked and was given permission to revise and extend his remarks.)

Mr. CRAMER. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. McCLORY].

(Mr. McCLORY asked and was given permission to revise and extend his remarks.)

Mr. McCLORY. Mr. Chairman, I wish to speak briefly on this bill and to join with others who have commended the chairman and ranking minority member, the gentleman from Florida, as well as all members of the committee, who have considered this subject in great detail and have come forward with the legislation.

I had the privilege of serving with the gentleman from Alabama [Mr. JONES] as the ranking minority member on the Subcommittee on Natural Resources and Power, which, as the gentleman from Missouri [Mr. RANDALL] indicated earlier conducted the most extensive hearings ever conducted by a committee of the House on the subject of water pollution.

I wish to emphasize the fact that there are many competent and experienced local and State water pollution agencies. In addition, there are a great many responsible individuals and groups throughout the States who are working in behalf of cleaner water for our Nation.

I realize that there are differences of opinion as to some details of this bill. I testified on two occasions before the committee, giving my suggestions, not all of which are being followed. Nevertheless, I want to indicate my desire to support this legislation. The differences of opinion which I have are being reconciled in support of this measure which I regard as a forward step in the battle to reduce water pollution.

I would certainly like to join in the comment which was made earlier by the gentleman from California [Mr. MILLER] in suggesting that the pollution of our underground water supply is threatened also. This is something which should be of great concern to the Federal, State, and local agencies of our country. More and more we are tending to dispose of our waste waters underground by pumping the used water below the surface. In this way we are contaminating, in many instances, the great underground water supplies. Underground water reserves amount to many times the supply of the surface waters, I might say.

I also want to indicate the good cooperation that has developed between the Federal, State, and local agencies in behalf of this subject of water pollution. Great progress has been made in this field. We should not underestimate the progress that has been made by the State and local agencies as well as by many industries and communities under the existing legislation. While this bill calls for the establishment of a new administration to be in charge of water pollution, I would certainly not want to suggest that the existing administration has not done an effective job, because, indeed, it has. Many other evidences of progress have been witnessed, including the coordination of data gathering of water quality and the coordination of water research activities. Many of these things have come about not just by legislation or by chance, but by virtue of the fact that we

in the Congress and the public generally have focused attention on the need for cleaning up the waters of our Nation. The Congress and the public have promoted the most efficient possible employment of the limited number of expert hydrologists and other scientists whose talents are needed in reducing water pollution.

A continuing problem is that of our Federal installations. Our Subcommittee on Natural Resources and Power issued a report with regard to the problems of the Federal installations. We also produced a significant report with regard to municipal sewage and certain other subjects. These subjects may require additional legislation which we may have occasion to consider later. With respect to the subjects covered by the bill and with respect to the immediate needs we are considering here, I cannot help but feel that this is a great forward step in our national task of improving the quality of the waters of our Nation.

Mr. BLATNIK. Mr. Chairman, I yield such time as he may require to the gentleman from California [Mr. Moss].

Mr. MOSS. Mr. Chairman, an effective Federal water pollution control program is essential to the preservation and protection of our Nation's waterways. However, no water pollution control program can be truly effective unless water quality standards are a part of that program.

Water quality standards are a recognized tool in pollution abatement programs throughout the country. Not only have official standards of water quality been established by a number of State and local agencies, but standards have been used by the Department of Health, Education, and Welfare in its pollution abatement program.

These standards, however, are not official standards of water quality set by the Department, but rather are those which are established at the conference stage of enforcement actions by the States concerned and the Department of Health, Education, and Welfare. At these conferences the conferees review the sources of effects of interstate pollution, usually agree upon water quality standards, and recommend a program of remedial action which will improve the quality of water to meet the standards they have established. This method has proved effective in a number of instances, such as the Colorado River and its tributaries and certain areas of the Mississippi River, to name but a few.

The most recent enforcement conference held by the Department of Health, Education, and Welfare on March 2-9, 1965, concerning the interstate waters of the southern end of Lake Michigan and the Calumet River, Ind. and Ill., is again illustrative of the use of water quality standards. At this conference the conferees unanimously agreed to use as a guide for water quality at Chicago waterworks intakes the "Recommended Quality Criteria Goals, Lake Water at Chicago Intakes" presented by the Department of Water and Sewers of the city of Chicago, at the conference. These standards were adopted by the conferees

for the purpose of initiating a program of remedial action to protect water quality in the area for the maximum number of legitimate uses.

Although it is apparent that the Department of Health, Education, and Welfare can, and does, use water quality standards in its pollution control program, and these standards are an effective tool in pollution abatement action, I believe that the Federal pollution control program could proceed more rapidly and effectively if water quality standards were established separately, and not as a result of each individual enforcement action.

In most of the 34 enforcement actions taken by the Department of Health, Education, and Welfare since 1957, water quality standards have been established by the conferees, or when necessary, recommended by the Secretary. There are at least 90 more areas where the Department of Health, Education, and Welfare has evidence of interstate pollution. If enforcement action is taken on these polluted streams, and if the Federal and State agencies must wait until each conference is held before establishing water quality standards, it will be many long years before this pollution is abated. However, if the Department of Health, Education, and Welfare in cooperation with the State agencies, can act now to establish water quality standards for interstate streams throughout the country, I believe that the course of remedial action would be clear to all, and pollution abatement could be accomplished more swiftly on the local, State, and Federal levels.

Certainly water quality standards are an effective tool in pollution abatement programs, but even more important, they can be an effective measure in preventing pollution. Our scientists and engineers have developed almost miraculous techniques for reducing pollutants in waste discharges, but with all their technical knowledge and skill they cannot completely restore a filthy stream to its former freshness and beauty. The Potomac River is a good example of the deleterious effects of pollution on a once beautiful and clean stream. There is now an abatement program in force on the Potomac which will end the pollution of this river. But even with the tremendous efforts being put forth to clean up the Potomac we know that the effects of the many years of pollution will not vanish overnight.

The present approach of the Federal water pollution control program is negative. The Department of Health, Education, and Welfare under provisions of the Federal Water Pollution Control Act can act to abate interstate pollution only after health or welfare is endangered. In other words the Department of Health, Education, and Welfare can act only after serious and sometimes irreversible damages have occurred.

If the Department of Health, Education, and Welfare were able to set water quality standards, the Federal Government and the States could act to prevent the water quality from falling below these standards. Action could be taken before health or welfare was endangered

and serious damages occurred. This is a positive, effective, and beneficial approach to preserving our water resources.

If clean water is our goal, it is essential that the Department of Health, Education, and Welfare be empowered to set standards of water quality not only to aid in the abatement of existing pollution, but to aid in the prevention of the further needless destruction of our remaining clean streams.

(Mr. MOSS asked and was given permission to revise and extend his remarks.)

(Mr. OTTINGER (at the request of Mr. BLATNIK) was given permission to extend his remarks at this point in the RECORD.)

Mr. OTTINGER. Mr. Chairman, I rise in support of S. 4, the Water Quality Act of 1965, and I want to congratulate my distinguished colleague, the gentleman from Minnesota [Mr. BLATNIK], for fighting the good fight to end pollution of the Nation's waterways. I only regret that his fight was not a bit more successful.

This bill purports to carry out the request of the President for a concerted attack on water pollution. It is to be a first step on the road to a Great Society in the area of meeting the Nation's pure water needs and ending the poisoning of our lakes, rivers and streams.

I hail the direction. But this bill is only a faltering, baby step in the right direction.

This bill does not begin to provide the funds necessary to do, or even stimulate State and local governments to do the job. It adds \$50 million a year to the \$100 million already authorized, and I am certainly grateful for that.

However, one sewage treatment plant for New York City alone cost \$86 million. The State of New York has two-thirds of its population living in areas affected by polluted waters. It has 1,167 communities that are pouring either inadequately treated wastes or raw sewage into rivers, lakes and streams. I am sure that the problem in other States is of comparable proportions. The funds authorized by S. 4 will cure but a drop in the oceans of polluted water flowing through this land.

I testified before the Committee on Public Works to request additional funds to attack the pollution problem and I firmly believe that an effort of great magnitude will be required to resolve the problem.

Mr. Chairman, I and 10 of my colleagues have introduced legislation to establish a Hudson Highlands National Scenic Riverway in New York. One of the prime purposes of this legislation is to make land along the banks of the Hudson River available for recreational purposes—for swimming and boating and the like.

The benefits of this legislation will be beyond realization, however, regardless of what is done to preserve the shoreline, unless something is done to clear up the pollution that makes the river virtually useless for recreation the entire length of the Highlands.

New York City alone pours more than 600 million gallons of raw sewage into the Hudson daily. Since the Hudson is a tidal estuary, this sewage is a major factor in pollution reaching as far north as Poughkeepsie. To clear up this problem alone will require more money for New York City than S. 4 provides for the entire Nation.

The New York metropolitan area has a water shortage crisis this year. People will be prohibited from watering their lawns except for a few hours one day a week. Restrictions will be imposed on car washing and even on bathing. Hydrants will be sealed in New York City so that children will not be able to enjoy their usual summer play.

The most obvious way to meet this shortage would be to use the plentiful waters of the Hudson to supplement the watershed supply. This is feasible since the river is not saline north of Poughkeepsie. But many communities are revolted at the idea of using Hudson River water for drinking purposes because of the pollution. To gain public acceptance of the idea of using Hudson water, we will have to clean up the river, and the cost will be far in excess of the funds S. 4 authorizes.

New York City newspapers recently carried a story about typhoid cases which resulted from children drinking Hudson River water. This certainly demonstrates the urgency of attacking the problem forcefully and immediately.

Governor Rockefeller has proposed a \$1.7 billion water pollution control program for New York State. This program makes the Federal proposal we are considering today insignificant by comparison. In testifying before the Public Works Committee I supported Governor Rockefeller's request for an advance commitment formula so that States may plan ahead and commit funds for long-term programs of pollution control and abatement and take their share of Federal funds over a period of years. Such a formula would be a worthwhile addition to this legislation, for the cost of building sewage treatment facilities is ever rising, and it will cost both the States and the Federal Government far less to complete the necessary facilities as soon as possible.

In my view, there is also an urgent need for Federal standards for water pollution control. The State encouragement formula under S. 4 makes a start, but a real problem arises on interstate waterways when one State's inadequate practices nullify another State's worthy efforts. The results are particularly devastating when the lax State happens to lie upstream.

Mr. Chairman, I hope that before too long we will add the teeth necessary to make this legislation truly effective. I hope we will provide funds adequate to make a real dent in the water pollution problem, and I hope we will add Federal standards.

I support S. 4 as a first baby step in the right direction. I hope the baby's growth will be rapid and healthy.

Mr. BLATNIK. Mr. Chairman, the gentleman from Texas [Mr. WRIGHT] has been one of the real sparkplugs in

this field. At times when we needed him we called him our running quarterback and at other times we called him our blocking halfback with respect to this water pollution control legislation for many years.

Mr. Chairman, I yield to the gentleman from Texas [Mr. WRIGHT], such time as he may require.

Mr. WRIGHT. Mr. Chairman, this undoubtedly is one of the most vitally necessary bills which will be presented to Congress this year. It builds upon the highly successful experience of the basic Water Pollution Control Act of 1956 and branches out onto new fronts in our continuing battle to preserve and pass on to the American posterity a heritage of clean water.

Certainly no informed person can deny the importance of the problem or the vital urgency of the need.

Within the past 8 years, through the program begun by this Congress and pioneered primarily by the vision of our colleague, the gentleman from Minnesota, JOHN BLATNIK, we have begun to make a dent in the problem. But there is much remaining to be done. During the past 8 years, 5,994 grants have been made to that many separate and distinct municipalities for the purpose of assisting them in the struggle to abate the pollution of our Nation's streams.

At the cost of approximately \$500 million, we have stimulated local construction in the amount of more than \$3 billion.

It probably is fair to say that we have reached the point where we are on the verge of holding our own against the onrushing tides of pollution. But this is far from adequate. The bill presently before us would expand this activity in several very meaningful ways.

First, let us get a broad general picture of the problem itself. Thousands of local crises are merging rapidly into one national crisis. A general cross-section of the national scene would include the following vignettes:

In a Connecticut public school, a new student tries the drinking fountain and steps back in horror as a milky substance froths up in bubbles from the faucet. A classmate explains that it's a bad time of day to get a drink, since detergents are working their way back through the city's water system.

Along the flooding Mississippi River this week, untreated sewage is washed up through storm sewers into the streets of several towns.

In the Nation's Capital, a father proudly takes his young daughter for a ride in a swan boat on the beautifully landscaped tidal basin where cherry trees form a delicate pink wreath beneath the Grecian grandeur of the Jefferson Memorial. He looks away in frantic embarrassment, a bit sick at his stomach, and suddenly changes the subject when his little girl asks "What are all those odd-looking things" on top of the brownish water.

Lake Erie is dying. It has a "dead spot" covering several thousand acres where a cesspool of pollution robs the water of its life-giving oxygen.

Dead fish float up to the banks of Town Creek in a small midwestern community after a local shelling plant dumps its refuse, laden with tannic acid, into the stream.

A dry west Texas town hauls water 50 miles in tank trucks for its citizens to drink while an east Texas town feverishly fights a flood.

In a New York suburb, a salesman of distilled water reports a fantastic boom in the sale of bottled drinking water.

A southern city is turned down by the third industry in a week because it lacks a "dependable" water supply.

International crisis looms as an official Mexican delegation tells the U.S. Congress that our Colorado River irrigation system is dumping crop-destructive salt on the best farming lands in the Mexicali Valley.

All these are but facets of the most rapidly growing domestic headache in the United States—We are running out of usable water. The problem, at first parochial, very rapidly is becoming national in scope.

There are many reasons clean water is becoming increasingly important. The first is that there are more and ever more people drawing upon the fixed supply. One of the most crucially significant facts of our time may be read in the statistics of population growth—both in the United States and throughout the world.

In the beginning, the world's population grew very slowly. At the start of the Christian era, there were only some 250 million people on the entire earth. It took 1,500 years for that figure to double or reach 500 million. But then a sudden and dramatic upswing began which has continued over the past 400 years to increase by geometric progression. There were 1 billion people in 1835, 2 billion in 1935, 3 billion in 1965. If this pace is maintained, there will be 6 billion—twice as many as we now have—in the year 2000.

Here in America, when we sit down to dinner each evening, there are 7,000 more of us than on the evening before. Every year we add the population equivalent of a new Philadelphia. The same amount of land, air, and water must be made to serve more and ever more people.

More alarming still is the fact that our society each year is using more water per capita. While the whole Nation required only 40 billion gallons daily in 1900, we used 360 billion gallons a day last year. If present trends continue, this figure will double by 1980 and triple before the beginning of the 21st century.

Block by block, acre by acre, section by section, new housing projects sprawl inexorably outward, denuding the former countryside of its natural cover. Where trees and native plantlife once found ample succor from the rainfall, today neat rows of houses march in line behind their inevitable green carpets.

With typically more leisure time, the suburbanite waters his shrubbery, his flower beds, his lawn. The thirsty lawn grasses which have become a status symbol in American suburbia often soak up water at four and five times the pace required by the native grass and shrub life.

Washing machines with enamel plated efficiency put the clothes and dishes through several rinsings, extravagantly squandering the water supply and discharging insoluble detergent suds into the disposal lines. Fly by plane over a new top neighborhood in any southwestern city and count the private swimming pools which sparkle in the sun. In one such typical neighborhood, the loss to evaporation is counted in the thousands of gallons daily.

Increasingly in the past few years, pollution has become probably the most critical of our water resource problems. No major section of the country is immune. Streams which once ran clean and sparkling pure have become clogged by organic and industrial wastes which can transmit disease, by toxic detergents and pesticides, by inorganic chemical and mineral substances which result from mining, manufacturing, oil and chemical plant discharges. A prime example is the Potomac on whose banks sits the Capitol of the United States. There also is a relatively new problem arising from radioactive wastes.

When demand exceeds supply, the reuse of water is a necessity. A special U.S. Senate study recently pointed out that the total dependable fresh water supply available to the country by 1980 will be only about 515 billion gallons a day. But our total daily water requirement will have climbed to more than 600 billion gallons. Even with maximum engineering and purification works, the study concludes that the most we can hope to make available is about 650 billion gallons. And by the year 2000, our foreseeable water needs will exceed 1,000 billion gallons a day.

The pollution problem in spite of our best efforts has been growing at least as rapidly and probably more rapidly than our solutions. At the end of 1959, the municipal sewage released into our streams was equal in pollution effect to the untreated sewage from 75 million people, three times the amount in 1900.

The bill before us offers a greatly expanded opportunity to fight pollution effectively. It is a substantial improvement over existing law. It is worth noting that, almost uniquely among major legislative matters this year, it has the unanimous endorsement of the Committee on Public Works, including Members from both sides of the aisle.

This bill is the product of many weeks of public hearings last year as well as 3 weeks of additional hearings this year, plus 3 long arduous days in executive session. Many Members contributed creative thought to shaping its provisions.

Here basically, is what it will do:

First, it will upgrade administrative control through the creation of a Federal Water Pollution Control Administration. This will consolidate numerous scattered activities under one effective head, give the program an identity commensurate with its importance, and facilitate action. Heretofore, this significant activity has been relegated to the status of a division within a bureau within the Public Health Service

within the Department of Health, Education, and Welfare.

Second, subpoena power will be given to the Administrator to strengthen his hand in enforcing already existing standards. This can greatly facilitate compliance. This subpoena power is available at the hearing stage.

Thirdly, more money will be made available for the practical battle against pollution. This is considerably more important than the adoption of theoretical standards. Existing pollution cannot be abated simply by court order, since the effluent from treatment plants flows through gravity into rivers. This bill provides \$150 million rather than the existing \$100 million annual authorization. The original Senate bill made no gain in this regard. For a battle of this crucial importance, we feel that \$150 million a year is little enough indeed. It amounts to less than \$1 per year for each citizen to preserve and protect the one commodity without which no citizen could live.

In the fourth place, realistic help for the big cities is available for the first time in this bill. This is where most of the pollution originates. Ceilings on individual matching grants have made existing law relatively ineffective as a meaningful help to the metropolitan cities. These ceilings are raised in this bill to a workable level. The original Senate bill offered no solution to this very real problem.

Finally, each State is required for the first time to develop a set of water quality and quantity criteria. This is a meaningful advance. It is the first step in making a national water inventory, which we have desperately needed. The States are given 2 years in which to prove that they can and will develop, apply, and enforce water quality criteria.

This bill is crucially important to the future of America. It deserves a truly overwhelming vote from the membership of this House. I hope and trust that we will demonstrate by the number of our votes today the determination of this body to win the continuing battle against pollution of the Nation's streams to the end that future generations may have as their heritage an abundant and usable supply of this most precious and most indispensable of all the earth's resources.

Mr. CRAMER. Mr. Chairman, I yield such time as he may require to the gentleman from Wisconsin [Mr. LAIRD].

(Mr. LAIRD asked and was given permission to revise and extend his remarks.)

Mr. LAIRD. Mr. Chairman, it is a great pleasure for me to rise and support this legislation before the House today.

As a Representative of the Seventh Wisconsin District, I have long been aware of various attempts to meet the problems to which this legislation addresses itself. The Seventh Wisconsin District is composed of many papermills, and I am familiar with the good intentions of this industry with regard to water pollution control and abatement. The paper industry in my district is the largest single employer. Employers and employees in our Seventh District sup-

port this bill as amended by the House committee.

The pulp and paper industry has, of course, been specifically involved with the problem of pollution.

They are aware that the problems of control are both intricate and complex. On the one hand, the paper industry must have process water of adequate quality. On the other hand, the industry is aware that the users downstream must have suitable water also.

It is certainly safe to say that while much remains to be done, more than lip-service should be paid to the paper industry efforts in this area.

I would like to pass on one very impressive fact to my colleagues. During the past 20 years the total organic pollution load, as measured by biochemical oxygen demand, has actually been reduced by the paper industry, despite the fact that this major industry's production in tons has more than doubled in the same period.

And there are other noteworthy facts that could be mentioned at this time. A recent survey by the National Council for Stream Improvement indicates that 75 percent of the pulp and paper mills in the United States have waste treatment facilities in operation. This compares with only 37 percent in 1949. Thus it is obvious, Mr. Chairman, that the paper industry has recognized the need for water pollution control and that it has been taking concrete steps to alleviate the problem.

Through discussions with those concerned with various paper mills in my district, I have found that the efforts and achievements of the pulp and paper industry to combat water pollution are on the increase.

The whole problem faced by this legislation is exceedingly complex. The finger cannot be pointed at any one group. For at this critical time industry, government, and all involved groups have a stake in working toward a mutually beneficial solution to the water pollution problem.

I think the impressive story and the attitude of the paper industry is something which needs to be stated today.

This is a story, Mr. Chairman, which relates to the thinking of everyone in these Chambers. While some would contend that additional efforts could have been taken by the paper industry, the fact remains that they have made a significant beginning. I wish, for example, that I could present a similar array of facts for our Government installations. In glancing through the hearings in the House, I discovered a great deal of concern expressed by the members of the committee regarding pollution by Government installations.

This, however, is not the subject before the House today and will probably be dealt with, I hope, in the future. I stress this only to indicate that in the case of one specific industry—the paper industry—there are significant efforts underway. As a Member of the Congress representing an area which includes many outstanding papermaking facilities, I feel duty bound to spell out their efforts

during a consideration of the Water Quality Act of 1965.

In conclusion, I think that the legislation as reported by the House committee emphasizes the continuing need of cooperation by all agencies concerned with the problems of pollution. I am certain, Mr. Chairman, this legislation will definitely enhance the quality and value of our water resources. I envision a future of cooperation and respect between all concerned groups, and particularly because of their past record, the various paper industries of the United States.

Mr. BLATNIK. Mr. Chairman, I yield such time as he may require to a distinguished and important member of our committee, the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Chairman, I rise in support of the pending legislation, S. 4. As a member of the Committee on Public Works and a member of the subcommittee that has dealt with this problem in the legislative session of 1961 and again in 1965 I want to say that all of the people of my State from whom I have heard are very much interested in the passage of this bill. Representing the watershed area in the West that I do I know how important it is to keep our streams clean and clear and free of pollution. We in California have many pollution problems. With the growth that is taking place in our State we are confronted with more of the problem of pollution which is causing concern all the way back to the mountainous areas where the streams arise. It is also a problem in our valleys and in the delta and great San Francisco Bay area. I know that this legislation is going to do a lot to clear up the rivers, lakes and bays of our Nation.

Mr. Chairman, I want to commend the chairman of the subcommittee, the gentleman from Minnesota [Mr. BLATNIK], as well as the minority members who have worked very hard with the majority in perfecting this bill and also, Mr. Chairman, I want to commend the chairman of the full committee, the gentleman from Maryland [Mr. FALLON], for bringing this fine piece of legislation to the floor for final passage.

Mr. BLATNIK. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. PEPPER].

(Mr. PEPPER asked and was given permission to revise and extend his remarks.)

Mr. PEPPER. Mr. Chairman, I want to ask the able gentleman from Minnesota and also my distinguished colleague from Florida, the ranking member of the Committee on Public Works [Mr. CRAMER], whether there is any language contained in this bill which would afford any assistance to this sort of a situation which exists in the congressional district which it is my honor to represent.

There are three municipalities which wish to combine to connect with an outfall, that is, a system of emptying impure water into the Atlantic Ocean, way out far enough so that it could not possibly pollute the beaches of the mainland areas. Under the public works program

that sort of an effort cannot obtain assistance because that program is limited to sewage treatment plants.

Now, Mr. Chairman, these people want to accomplish the same purpose, that is to say, safely to dispose of impure water.

I just wanted to know whether or not any assistance might be possible for that sort of program under the provisions of this bill.

Mr. BLATNIK. In response to the gentleman's inquiry, we had been hopeful, at least some of us had the opinion, that perhaps under the research and planning section there was provision for combining storm and sanitary sewer projects, and that would be eligible. However, in further checking on the matter, I am informed that it would not be eligible. Funds with which to provide facilities for the treatment plants themselves certainly are eligible, but I do not believe this would apply to a project such as the outfall extension which the gentleman from Florida has described.

Mr. PEPPER. As the gentleman from Minnesota knows, it was I who advised the gentleman with reference to this matter for I called just a few minutes ago the Department of Health, Education, and Welfare; and one of the representatives there told me that he thought the use of an outfall in the disposal of waste was already well established and the proposal of my constituents, as I reported it to him, might not be eligible on an experimental or research basis. The language, however, of this bill is broad enough to cover the proposal of my constituents if there is anything unique or distinctive about the proposal so that it would contribute something of value in disposing of impure water or sewage.

Mr. BLATNIK. If the gentleman will yield further, I would like to elaborate a little further. The problem of the gentleman from Florida [Mr. PEPPER] is a bona fide problem and one which is entitled to assistance. We have inland municipalities which need assistance by way of extensions of interceptor sewers in order to reach their treatment plants. There is an awareness of this need among the membership of the Committee on Public Works for a general public assistance program for community facilities. We do intend to hold hearings—at least I shall make every effort to do so—on this matter. It represents an important and justifiable area of exploration and we do hope that that program will be of assistance to the situation which the gentleman from Florida has described.

Mr. PEPPER. May I make some inquiry with respect to the same subject of my able colleague, the gentleman from Florida [Mr. CRAMER], the ranking minority member of the committee?

Mr. CRAMER. If the gentleman will yield, we had a discussion of this, of course, in the Rules Committee and I think it was generally conceded, as the gentleman from Minnesota [Mr. BLATNIK] has conceded, that there is no grant money but that which is limited to suitable disposal treatment plants. The

only possibility would be under 6(a) relating to grants for research.

I believe the key phrase there is whether or not this is a new or improved method. On line 16, page 20; and line 18, page 21, there is some reference to the matter, but these grants are limited to new and improved methods. If this is a new and improved method for waste water, then it could be included and that would be a decision for the Secretary to make.

Mr. PEPPER. I thank very much the able gentleman from Minnesota and my able colleague from Florida for those remarks.

Mr. YATES. Mr. Chairman, water pollution is a problem of nationwide dimensions. Unfortunately, not enough of us are aware of its many disastrous consequences for municipal and industrial water supplies, for fish and wildlife, and for recreational areas. That is why this bill is so important—important to our Nation and especially important to those who live on the Great Lakes. Today I wish to speak particularly as a representative of the people of the 9th District of Illinois, which is located in the city of Chicago.

Chicago's development has been largely determined by its surrounding waters. Early ship traffic did much to make it an economic and communications center, the Nation's second largest haven for immigrants of many nationalities and a pioneering city for inventors, architects, and businessmen of all kinds. Blessed with a great diversity of people and talents, and the space and resources in which to develop those talents, Chicago became the largest city of the Great Lakes.

Our city's focus, its particular charm, its very life, have always been its beautiful lakefront, which has provided a population of more than 5 million people with unparalleled opportunities for development. After some fearful epidemics of cholera and typhoid fever at the end of the last century, the city of Chicago spent a great sum of money and performed extensive research to develop techniques of water treatment to assure a continuing safe water supply. In 1889 the city embarked on one of the engineering wonders of the world: reversal of the flow of the Chicago River. And in 1922 the same was accomplished with the Calumet River, in order to protect the lake.

Chicagoans are not oblivious to Lake Michigan's vulnerability. However, for many years they avoided taking measures sufficient to reduce the threat to the lake.

The Great Lakes comprise the greatest fresh water resources in the world. It is unforgivable that our children should be deprived of the lakes' benefits. Yet that is what is happening.

This was demonstrated most clearly at the conference held under the existing Federal Water Pollution Control Act provision at Chicago March 2 through 9 this year. Though I was unable to attend the conference, I followed it closely. At its conclusion, three State and two Federal conferees unanimously concluded that Lake Michigan and its

tributaries are polluted, that bacterial counts are too high for safe swimming, that phenols are causing tastes and odors in the drinking water, and that nutrient discharges are accelerating the irreversible aging of the lake.

Damage to Lake Michigan probably represents the most unpardonable encroachment of water pollution in the United States. When our Great Lakes start to deteriorate, river pollution becomes routine. Pollution should never have been allowed to advance this far. At this pace we are losing the battle to pollution. Scientists studying the ecology of large stagnant bodies of water, such as Lake Michigan, are pointing to the phenomenon of eutrophication, or aging, as the most serious problem. Eutrophication refers to the fertilization of the water by steady addition of organic matter. It can be natural, from the deposits of dying creatures, but in the lakes it is greatly accelerated by artificial discharges of nutrients. Eutrophication is irreversible. In Lake Erie, a shallower body than Lake Michigan, it has proceeded to the point where it may be necessary to dredge the entire lake bottom to keep the lake from becoming a bog.

The particular contaminants of Lake Michigan illustrate the need for speed in stemming the aging process. The Federal Water Pollution Control Act has been amended several times already, and it may well be amended further. Many proposals have been made for further provisions, including licensing, standards, stopping pollution before it occurs, taxes on polluters, and incentives for industrial waste treatment.

The bill we are now considering is most conservative. It is designed to expedite and strengthen the existing program, to enlarge it slightly and give it the separate identity it needs if public opinion is to support us in this most important of all contemporary conservation struggles. It aims at essentials. It separates the three basic tools we require to protect water quality, and it sharpens all three: technology, incentives, and enforcement.

In pursuit of better technology, the Federal Water Quality Act of 1965 provides not only for continuation of existing grants for State water pollution programs and fellowships for training and investigation, but for a new program of research and development in the field of storm water overflow. I may say this is an increasingly important source of pollution as direct discharges of raw sewage begin to be eliminated. Grants can be made out of a total authorization of \$20 million annually to pay up to 50 percent of any project also approved by an official State water pollution control agency.

More incentives for the construction of treatment facilities are provided through a 50-percent increase in the Federal construction grants program. The total authorized amount will be \$150 million yearly, and the maximum for any one grant will be \$1.2 million—\$4.8 million for a project involving more than one municipality. These funds will now be distributed more consistently

with real needs with more of the funds earmarked for large population centers where pollution problems are greatest.

Enforcement is tightened in three ways. First, the bill removes the entire program from the Public Health Service, which has not proved particularly effective in pursuing the abatement of pollution of interstate rivers. Second, the Secretary of Health, Education, and Welfare will have subpoena powers for hearings on pollution of interstate or navigable waters. This will enable Federal investigators to examine data on waste discharges, to inspect industries or other installations suspected of discharging damaging wastes and require the attendance of polluters at such hearings. Finally, the bill gives the Secretary the responsibility to initiate enforcement action when he finds that substantial economic losses are resulting from pollution damages to shellfish. Shellfish contamination, one of the most destructive and hazardous consequences of pollution, has long merited this attention.

Mr. Chairman, it is said that nothing is so local as a drop of water, or so national as what we do with it. Our distinguished colleague the gentleman from Minnesota [Mr. BLATNIK] and the Public Works Committee have presented us with a worthy measure.

There is no doubt that these amendments will be affirmed by this House. We are summoning forth the means to restore our damaged water resources and to protect our still healthy streams. Water, our most valuable national commodity, is now one of our greatest national problems. I wholeheartedly support this bill, and I urge the House to endorse it as a worthy response to that problem.

Mr. WOLFF. Mr. Chairman, the present state of the Nation's polluted waterways mirrors the long shameful years of neglect and permissive disregard which preceded our aroused concern for protecting and improving the quality of the Nation's precious water resources. Instinctively our initial efforts to halt the pervasive besmirching of our streams have been directed to the cleanup of the most serious pollution situations. An impressive start has been made through the application of the Federal enforcement authority in approximately 34 instances. The continuing existence of almost 90 equally serious pollution situations calls for further intensifying and accelerating the enforcement momentum, which received its most meaningful impetus after the change of administration in 1961. We have made and continue to make significant strides in controlling pollution from municipal sources. The provision of Federal grant assistance to municipalities for construction of waste treatment works has rolled up an imposingly successful record. The struggle against water pollution has thus far proceeded on these two fronts of control and abatement.

In committing the Nation to an all-out effort in this field, President Johnson calls on us to take up the challenge on a third front—prevention of pollution before it happens. We can no longer afford to complacently allow pollutants to

enter our streams, waters, and beaches except under strict and careful regulation. This is doubly true in the case of the newer wastes increasingly spawned by our rapidly growing and fast-changing technology.

The enormously complex character of these newer wastes and their potential effects on the quality of water is either inadequately understood or totally unknown. Their wholesale disposal into our waters amounts to another variation of the deadly game of Russian roulette with the difference that we are risking the health or welfare of entire populations.

Necessary authority or measures for preventing the inception of pollution are lacking in the enforcement provisions of the existing Federal Water Pollution Control Act. State laws, the great majority of them, contain such authority in provisions for establishment of standards of water quality. For whatever reasons, the States have not effectively implemented these provisions of their own laws. Their failure is reflected in the countless miles of polluted waterways and beaches throughout the Nation. The need for Federal action is urgent, especially in regard to interstate water areas where Federal responsibility is clear cut.

Current proposals for Federal establishment and enforcement of standards of water quality on interstate waters fully safeguard State and local interests. They do not represent in any way an infringement of States rights but instead are designed to encourage the States to face up to the problem realistically. Practical standards will serve to prevent our few remaining clean waters from becoming polluted. These same standards applied to waters already afflicted with the scourge of pollution will provide guidelines for improving the quality of these waters to serve all useful purposes. Standards fairly applied will help in eliminating the unwholesome competitive advantage for industry enjoyed by those States which are willing to sacrifice a noble heritage for an illusive and temporary economic benefit. Temporary, yes, for once the industry has fouled these waters to the extent that it cannot use it for its own needs, it too, will move out.

Time has long since run out for the purely "voluntary persuasion" policy that has marked State and local efforts to deal with the problem of pollution. The mounting volume of wastes generated by our advances in population, urbanization, and technology, require determinedly forceful measures. Strong leadership has been asserted by the President in behalf of the Nation. We in Congress can do no less than to legislate the strengthened and improved authority that is necessary to implement this leadership, under which Federal, State, and local action can confidently join in the knowledge that their concerted efforts will successfully control, abate, and most importantly, prevent water pollution.

Mr. MONAGAN. Mr. Chairman, I urge the adoption of S. 4, the Water Quality Act of 1965, as it has been amended and reported to the House by

the Committee on Public Works. For the past 3 years the Natural Resources and Power Subcommittee of the House Government Operations Committee on which I serve has been conducting, under the chairmanship of the gentleman from Alabama [Mr. JONES] an exhaustive survey of our Nation's water pollution and from this study I have become convinced that there is great need for a stepping up of Federal assistance, greater local enforcement procedures, and a pattern of local, State, and Federal cooperation to abate and stamp out pollution. I have been taking an active interest in the legislative effort to bring about these improvements and I have in the last three Congresses filed bills to amend the Federal Water Pollution Control Act for this purpose. The bill which I filed in the 89th Congress is H.R. 3716.

I am convinced that the bill we have before us today is an improvement over the bill passed by the Senate and I note that this belief is shared by the New England Interstate Water Pollution Control Commission.

Water pollution is a problem which affects every community and every State in the Nation. It is increasingly acute because water demand and water pollution are mounting sharply at the same time.

Local communities and States cannot or will not bear the cost of abating pollution. It is my feeling that the Federal Government must step up its participation without further delay if we are to meet the crisis confronting us in the shortage of usable, clean water. Some efforts have been made and are continuing, but we must be shamefully aware that in spite of these efforts all our major streams, rivers, and lakes are suffering increasing pollution. On the basis of the study of our subcommittee I am of the opinion that, apart from foreign problems, water pollution is the Nation's single most serious hazard.

The House Public Works Committee in its examination of this problem considered, among others, my bill, H.R. 3716, and I was privileged to have the opportunity to testify in support of my bill before the committee on February 19, 1965.

On the evidence, one must concede the importance of establishing water quality standards, increasing grants for sewage treatment projects, improving administration of the Federal water pollution control program, and setting up a research and development program to cope with the problem of storm and sanitary sewage. President Johnson supported these objectives in his recent message on natural beauty. He also advocated an increase in ceiling for grants to State water pollution control programs. These provisions have been incorporated in the House committee's bill and I note with satisfaction that the committee has also given its endorsement to my recommendation to increase the authorized appropriation for sewage disposal plant construction grants from \$100 million to \$150 million for fiscal years 1966 and 1967. Actually, I had requested an increase to \$150 million in 1966 and \$200 million in 1967.

Mr. Chairman, without going into full details of this proposed legislation, since they have been fully explained by the able committee chairman, I want to state my support of the inclusion in the act of directive to the Secretary of Health, Education, and Welfare to initiate Federal enforcement action when he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution and action of Federal, State, and local authorities.

I also favor the bill's requirement that Federal pollution control funds be withheld from any State which fails, within 90 days after enactment of the act, to file a letter of intent with the Secretary of Health, Education, and Welfare undertaking that the State will, prior to June 30, 1967, establish water quality criteria to be applicable to interstate waters within the State.

Mr. Chairman, I believe that if we are to preserve the greatest of our national resources and afford an essential measure of protection to the future health, welfare, and economy of a nation which obviously has been remiss in meeting its responsibility in this regard, we must act now, and the enactment of S. 4 as recommended by the House Public Works Committee would be a mighty effective step in the right direction.

In support of this legislation I shall include a very timely article which appeared in the Hartford, Conn., *Courant* of Sunday, April 18, 1965. The article entitled "War Against Water Pollution Is Lots of Talk, Little Action" by E. Joseph Martin.

WAR AGAINST WATER POLLUTION IS LOTS OF TALK, LITTLE ACTION

(By E. Joseph Martin)

Once upon a time Connecticut cared about keeping its rivers and streams clean.

Time was when people were stirred up enough to act.

But as the years go by, more and more people are talking about water pollution while fewer and fewer people are doing something about it.

Rivers continue to be polluted. Fish continue to die from industrial wastes dumped into waterways. Instead of drinking water, more and more families draw detergent suds from their wells.

As the problem grows, Connecticut's initial commitment to act had become stagnated.

Connecticut's war against pollution was declared when the general assembly passed a law in 1925, but the battle has since become an extended skirmish and 40 years later victory is still 20 percent unrealized.

The law created a new agency to eliminate and control dirty rivers and streams. There were about 1.4 million people in Connecticut when the law creating the State water commission was passed. The population has since nearly doubled, the number and variety of industries continues to mount, and the number of contaminated wells also continues to increase.

However, with this increase in potential water polluters, the manpower in the State agency responsible for keeping the rivers and streams clean has remained about the same and has even diminished.

The State water resources commission was formed in 1957 to take over the duties of the State water commission and other agencies. Today, the commission has a staff of 10 engineers and 3 secretaries, the same number the water commission had 30 years ago.

Besides the additional number of staff help needed to keep pace with the growing problem, this same understaffed commission is responsible, in addition to water pollution, flood control, shore and beach erosion control, supervision of dams, structures and dredging in navigable waters, water resources inventories and other duties.

Today, 1,192 plants are treating waterborne wastes from industries, municipalities and institutions. Some 975 of these are treating sewerage and sanitary wastes and 217 are treating waste water from industries.

William S. Wise, director of the Water Resources Commission, says the State needs 235 more plants to treat industrial wastes and 46 more sewerage treatment plants.

Ten years ago, his staff started operations by projecting how long it would take to complete the water pollution control plants. The projects were placed into two phases.

Phase 1 was to complete sewerage treatment plants and was scheduled for completion this year. Phase 2 was the time needed to complete all industrial waste treatment plants. Target date was set for 1970.

However, because of the serious deficiency in the number of staff personnel, the sewerage treatment schedule was advanced to 1970 and the industrial treatment schedule advanced to 1975.

Five years ago, a commission study showed it needed a staff of 29 to do the work, more than double the number it now has. A Federal study later indicated the same commission would need a minimum of 46 and a maximum of 57. Wise, however, still thinks the figure of 29 is more realistic.

Budget requests for more staff have continually been cut back.

Can it be that the State administration and the general assembly wish to give only token attention to water pollution? If it did not so wish, why did it overburden the commission with so many other added duties?

Is it possible that a deliberate attempt is underway to slow down this State's initial drive against dirty water?

Wise has been reluctant to blame anyone for the apparent legislative and administrative apathy. He says the commission's record "points to notable progress. But," he says, "it also shows that we still face complex problems."

These complexities he enumerates:

The many suburban residential developments building beyond sewerage facilities and in inadequate drainage areas near small, clean streams.

Estuaries and tidal rivers complicating the receiving of outward flow from waste treatment facilities.

Ground disposal and treatment of various types of sanitary and industrial wastes and the treatment of disposal of wastes resulting from the production and the use of toxic substances, chemicals and pesticides, etc.

Besides these added so-called complexities, Wise and his staff do not have the manpower to regularly inspect the waste treatment plants already built. How can the commission expect the treatment plants built to continue to do the job if no staff is provided to see that they do?

Last month residents from East Hampton complained about the red color of the Salmon River.

The color came from paper fibres discharged from a paper company. Wise and his commission have had the plant under observation for 20 years. Different pollution control devices were tried with varying degrees of success.

After 20 years, paper company officials were threatened with formal commission action if the company did not find a satisfactory remedy by Monday. And after 20 years, a plant apparently equipped with a waste treatment facility is still polluting the Salmon River.

Is it enough to rationalize the problem away by admitting to complexities and the huge amount of work still left undone?

Wise admits his staff has been slowed down by many obstacles. These he said were the money hurdle and getting public and private officials to put pollution control on a priority list of importance.

But there must be a limit to buck passing. If enough money cannot be raised to pay for an adequate staff after the problems and complexities have been clearly stated, who is actually responsible? Or has the problem actually been clearly stated?

If the administration does not consider water pollution an important enough problem to solve effectively, who is responsible for making them recognize the importance?

Forty years ago, Connecticut thought the problem was serious enough to pass a law to solve it. Forty years have passed and administrative apathy has all but thwarted the law's directive.

Mr. TUNNEY. Mr. Chairman, I would like to express my support for the water pollution bill which is now before the House.

This legislation, S. 4, the Water Quality Act of 1965, will provide effective pollution prevention and enforcement. The bill has provisions for:

First. Setting water quality standards.

Second. Increasing the Federal grant ceilings for multimunicipal construction projects and State pollution control programs.

Third. Promoting research into the problems of mixed storm drainage and sanitary sewage systems.

We were once a nation that was proud of the beauty and majesty of our national resources. Today every major river system is polluted. Millions of Americans are denied the use of recreational areas because of widespread pollution. Furthermore, this pollution is detrimental and costly to our economy. It is very expensive to treat polluted drinking water.

The passage of this bill is essential if we are to return America to the beautiful Nation that it once was and can be once more. We must all be aware of the quiet crisis that we face with regard to the preservation of our natural resources. Industry and government at all levels work closely together in the area of pollution control. The passage of the Water Quality Act is important to insure that the Federal Government does its share to preserve our most precious resource—water.

Mr. GRABOWSKI. Mr. Chairman, it is a great pleasure for me to join with my distinguished colleagues in support of the legislation before the House. With a great many Americans I have always been concerned with the quality of water resources. For many years I have believed that our Nation's streams constituted the lifeblood of the Nation's health.

Our people require clean water in every respect whether we are referring to drinking water or to those leisurely hours when we vacation with family and friends near a cool lake. It is important that the quality of the water be of the highest possible standard.

In supporting this legislation, I am aware of the great efforts that have been

made by the members of the House Public Works Committee, and by various Members in the other body. I have followed this work and I have read through the hearings that have been held in each body. I have been convinced that their work merits our great admiration. And I want to take this opportunity to praise the distinguished gentleman from Minnesota [Mr. BLATNIK] and all other Members who have worked so diligently on this legislation to amend the Federal Water Pollution Control Act, as amended.

This legislation has many, many interesting features. It establishes the Federal Water Pollution Control Administration. It provides grants for significant R. & D. matters and increases the grants for construction of municipal sewerage treatment works.

It is a time worn cliché to say that water is our greatest resource. As we look across the broad expanse of the globe, we can readily see that water constitutes a much wider area than land. We have been particularly fortunate here in the United States and it is absolutely imperative that we begin now on the course to settle the issue of pure water for all time. As was stated so poignantly in the House committee report to accompany S. 4, "the issue of pure water must be settled now for the benefit of, not only this generation, but for untold generations to come."

Mr. Chairman, in my judgment, the legislation before the House today will start us on the road to substantial and necessary improvement of our Nation's waterways. In two brilliant messages since January our distinguished President has called for improvement of our Nation's waterways. And back in the mid-thirties another great Democratic President said:

To some generations much is given, to others much is expected. This generation of America has a rendezvous with destiny.

These memorable words of Franklin Delano Roosevelt apply to the present problem at hand.

Mr. Chairman, I know that other Members of this distinguished House will speak to the specific aspects of this legislation. I want to conclude my remarks by simply saying that I believe—that in terms of water quality improvement—this generation of Americans has a challenge and a moral commitment to start the long process of cleaning up our streams. I also know that representatives of the local governments and industry are prepared to begin together the long and difficult task that lies ahead. The legislation before us, as approved unanimously by the House Committee on Public Works, will start the ball rolling. I urge its immediate enactment. It will be of lasting benefit to all residents of the Sixth Connecticut District.

Mr. HELSTOSKI. Mr. Chairman, in my own district we have two major rivers, and I am sorry to say we cannot boast today of the beauty of either one. The Passaic and Hackensack Rivers at one time, however, were pure and beautiful. They once served our area not only for transportation but for recreation as well.

The encroachment of industry, uncontrolled until recent years, has changed that picture. Today, no one would bathe in either river because of heavy pollution and there are few fish able to survive the contents of the tidal areas in either stream.

This has become a growing problem, long overdue for correction. It has reached a point where many homeowners are affected directly—by peeling paint, unpleasant odors, and unsightly waterfronts.

It is my belief that the proposed amendment to the Federal Water Pollution Control Act will begin to correct these shortcomings in my district and in similarly affected communities throughout the Nation.

This bill is a necessary forward step in our national effort to solve our water pollution problem and to bring about proper water quality. It upgrades the existing program; provides incentives for the participation of States in assisting local governments to finance the construction of necessary waste treatment works, and requires the establishment of water quality criteria by the States.

The creation of a Federal Water Pollution Control Administration within the Department of Health, Education, and Welfare by this legislation will lead to a strong national policy for the prevention, control, and abatement of water pollution.

The question of water quality standards, Mr. Chairman, is one of prime importance in my own district. Large portions of New Jersey and neighboring States are now faced by the results of a 4-year period in which we received less-than-normal rainfall. Our reservoirs have been drained to dangerously low points at times and many of our areas have had to ration water during hot summer days.

Cleaning up our rivers under this act could lead to finding and developing new sources of water for consumption.

This bill will open new areas of cooperation between the States and Federal Government. In this program, States and local agencies will benefit from research, investigations, training and information programs developed by Federal Water Pollution Control Administration. And since waterways do not recognize State boundaries, local efforts could result in providing purer water for large areas.

This amendment also provides the means for communities—particularly our older cities—to find the means to combat problems caused by antiquated sanitary and storm sewer systems.

This bill will aid many additional communities by doubling the dollar ceilings limitations for construction of waste treatment works from \$600,000 to \$1.2 million for an individual project and from \$2.4 million to \$4.8 million for a joint project in which two or more communities participate. This dollar increase will still limit the Government to 30 percent of the total cost of the project, but is a more realistic figure based on present total construction costs. It will provide the degree of help necessary for larger cities and for those once-small

communities which suddenly have found themselves mushroomed into city-like proportions. Their sewage treatment problems have grown at the same pace.

These, Mr. Chairman, I consider to be necessary services and aids for our communities. I strongly support this fight to combat water pollution and urge my colleagues to join me in voting for passage.

Mr. MORSE. Mr. Chairman, I rise in support of S. 4 as reported by the Public Works Committee.

In the 9 years since Congress first enacted a permanent program for an assault on the growing problem of water pollution, we have made important strides in the improvement of water quality. In 1961, I supported legislation to broaden and expand this program and was particularly pleased that the research function would be emphasized to a greater degree.

The efforts to date have borne fruit, but as the Public Works Committee has pointed out, we are just holding our own—we are not really getting at the root of the problem.

For this reason, I think that the bill before us today is necessary. If we wait much longer to intensify our attack, the battle may be lost.

It is estimated that we will be doubling our water consumption in the next two decades. It is clear that we have got to develop far more effective means of re-using water if we are to meet the rapidly rising demand for water for home, industrial and scientific use.

This bill contemplates such an effort by including funds for projects to develop new means of waste disposal and control of discharge from sewers. Water treatment also will benefit. The cost of pollution control is expensive. But how much greater is the cost if we measure it in terms of lost opportunities for industrial development, or in terms of the health and happiness of our communities.

This legislation properly removes the limit on grants for waste treatment plants. At the same time, however, it provides incentives for State and local initiative and participation.

In short, it creates the opportunity for real partnership in this field.

In New England and particularly in Massachusetts, we have been blessed with an abundance of water for power and recreational purposes. I believe that this legislation can provide us with an opportunity to preserve that precious resource and open up a new era of economic growth and give our people the pure water they need for health and recreational use.

I urge the passage of the pending legislation.

Mrs. DWYER. Mr. Chairman, the pending bill, the Water Quality Act of 1965, can represent a major advance in one of the most critical problem areas facing the country—the need to clean up our waterways and assure our people of adequate quantities of clean water.

I strongly support this legislation, and I am pleased to note that it has come to the floor of the House with broad bipartisan backing.

New Jersey, Mr. Chairman, is no stranger to water pollution or to water shortages. As the most heavily populated and most intensively industrial of all the States, we have greater need for good water and face greater danger from polluted water and from inadequate supplies of clean water than most others.

In recent years, several of our communities have been forced to ration their water during periods of drought, while along sections of our seashore widespread pollution, at least temporarily, destroyed much of the shellfish industry and rendered useless miles of beaches for recreation purposes. Few of those who have been affected are likely ever to forget the role in their lives played by clean water.

More immediately, Mr. Chairman, northern New Jersey faces the most serious water shortage in its recent history. State and local officials are warning that 3 years of drought have reduced the huge reservoirs serving Newark and other major communities in the State to their lowest levels on record for this time of year. Last week, for instance, the two principal reservoirs in the area were down to 56 percent and 31 percent of capacity, respectively, whereas this time last year they were filled at 95 percent and 75 percent of capacity, respectively.

This impending emergency has not been created solely by inadequate rainfall. New Jersey, like most of the rest of the Nation, has plenty of water. But too much of it, including some of our biggest rivers, is so thoroughly polluted that it cannot be utilized as a source of public water supplies or even, in many cases, for industrial purposes.

Controlling and reducing and, finally, eliminating pollution from our lakes and streams is the only certain way of guaranteeing our people the water we need.

About 9 years ago, Mr. Chairman, Congress established the first comprehensive and permanent program for controlling water pollution. At that time, as the House Public Works Committee noted in its report on the present bill, "untrammelled pollution threatened to foul the Nation's waterways beyond hope of restoration."

Gradually, the committee believes, we have reached a point where we are just about holding our own. But that is not enough. In the face of unprecedented population growth, economic expansion, and rapid urbanization, the only way to keep up is to stay ahead. It is most significant that the committee was unanimous on this point. Both Democrats and Republicans—without exception—recognized this fact of life and voted to report the bill favorably. Since the bill was reported, the House Republican policy committee has joined in calling for its enactment—an excellent example of a bipartisan response to a national need.

The first water pollution control bill in 1956 defined the role of the Federal Government as primarily one of supporting and strengthening the activities of State, interstate, and local agencies. The program was improved in 1961, and the present bill will carry it forward again. But in all cases, Congress has recognized that nothing less than whole-

hearted cooperation between all levels of government will do the job. Congress and the executive branch can prod, encourage, advise, and help support the States and local communities. But it cannot step in and take over full responsibility for a problem that must, by its nature, be handled where it exists.

In 1962, the Advisory Commission on Intergovernmental Relations, on which I serve as one of three House Members and which is responsible for promoting greater Federal-State-local cooperation, recommended several improvements in the water pollution control program. The Commission proposed, among other things, that greater public investment in water supply and sewerage treatment facilities be encouraged; that the dollar ceilings be increased for individual grants for construction of sewerage treatment facilities so as to provide more help for larger cities; that grant ceilings be increased to encourage construction of joint projects serving two or more communities; and that an added incentive be provided to encourage the construction of waste treatment projects in conformity with regional or metropolitan area development plans.

Having introduced legislation in the previous Congress to implement these recommendations, I am especially pleased to note that the committee has included each of those I have mentioned in the bill now before us.

In addition, Mr. Chairman, the committee bill would also do these other important things:

Improve administration of the program by means of the proposed Federal Water Pollution Control Administration, the sole responsibility of which would be the prevention, control, and reduction of water pollution. Presently, this objective is only one of the many different jobs of the Public Health Service and this fact may help account for the rather unimpressive record of enforcement to date.

Encourage the development of new methods of controlling the discharge from storm sewers.

Promote the construction of larger waste treatment projects serving more people.

Require States to establish standards of water quality for the rivers, lakes, and other waterways they share with neighboring States, so that one State will not be polluting waters which also belong to others.

In connection with water standards, Mr. Chairman, it may be appropriate to echo the cautionary hope expressed by the League of Women Voters of the United States that the setting of water quality standards will not lead to protection of the status quo where existing conditions are poor or to further delay in making improvements. Such standards can and must be employed to upgrade continuously the quality of the waters concerned. There is no other justification for standards.

Water, Mr. Chairman, does not make headlines until there is too little of it. By passing this bill, the House will help to keep water out of the headlines and in the homes and industry of America.

Mr. REUSS. Mr. Chairman, water pollution in our country is not being halted at a pace fast enough to protect our water supplies. The amendments to the Federal Water Pollution Control Act being offered today represent the next major step in the fight to control this pollution. In formulating these amendments, concerned Congressmen have been searching for the combination of programs, responsibilities, and jurisdictions that would best enable us to halt the growing pollution of our streams. I hope that Congress will soon decide that the only way markedly to step up the pace of pollution abatement is to allow the Federal Government to set standards for water quality on interstate streams.

Water quality standards are neither new nor radical. They are a device that the Federal Government is copying from the States. In 1962, at least 40 out of 50 States had water pollution control laws which provided for the establishment of standards, criteria, objectives, or other similar schemes to preserve water quality. I believe that there is very little argument among water pollution control officers about the necessity for guidelines and standardization of requirements for water quality. Without them, regulatory programs can become arbitrary and difficult to enforce. The only argument is about how to make such standards work.

The States have had numerous difficulties in prosecuting their standards. Out of those 40 States with power to establish standards, 10 have never actually promulgated any standards at all; 10 have standards which apply only to certain rivers; and many have only objectives, vague and with little legal force.

Most State water pollution control programs are greatly understaffed, with insufficient appropriations even for inspection and enforcement, not to mention funds to help municipalities and industries build waste treatment facilities. As a result, State standards, despite the good intentions of State officials, have been of little help in abating pollution.

One reason for this failure is the variability of standards from State to State. It is difficult for a State official to insist that an industry improve its treatment facilities to meet standards if that industry can threaten to move to a neighboring State where standards are lower. Furthermore, there is little incentive to clean up a stream to meet standards if upstream neighbors are allowed to discharge wastes within a much lower standard.

Another reason is the difficulty of arriving at reasonable standards. In most States, the process has involved lengthy hearings and technical services, costs which lie heavily on State budgets. Particularly in those States which employ classification of streams, that is, determining the legitimate uses of the stream before prescribing necessary waste treatment, the procedure is inordinately lengthy. Finally, when standards are set from an exclusively local level, with budget problems and heavy opposition from industries and municipalities with a vested interest in being allowed to continue polluting,

there has been a tendency to set standards or classifications very low, with little improvement over the current condition of the stream required. Where classification is employed, for example, we have seen many streams actually classified as suitable primarily for the transportation of sewage—that is, condemning a river to be a sewer. I do not believe that this country is so poor or so callous toward its beautiful, but limited water resources that we need to condemn entire reaches of rivers to be nothing but sewers.

Opponents of water quality standards have, I believe, tended to obscure the issue by bringing up arguments that actually have no relevance to the proposal. Standards, as I have pointed out, are nothing new; almost all the States have found them necessary. Standards can never be universal, applying with equal severity to all streams regardless of size or use. Standards can, of course, be amended upwards or downwards at any time; they are, of course, subject to judicial review like any other administrative ruling; and they can, of course, only be laid down after proper consultation with all parties concerned. These are assumptions never questioned by those of us who support a provision for Federal water quality standards.

The only real argument is whether we will continue to place the entire burden of setting the goals for our country's biggest conservation cause on the already overburdened shoulders of the States. Much aid would be rendered to the State programs by a Federal standard-setting procedure. In many cases, the Secretary of Health, Education, and Welfare would put the weight of his Department's program behind already existing State standards, making them easier to enforce. The Department could also be of particular help to downstream water-users, who have attempted pollution control but have had their efforts undone by their upstream neighbors. In States where permits are issued to waste-dischargers, a Federal standard-setting procedure would help in reviewing and issuing permits judiciously.

From the Washington vantage point, as Congressmen of the United States, we have the opportunity to view as a totality the immense worth of the country's water resources. We must make use of our nationwide view of the problem to provide the inspiration and leadership to step up the fight against pollution. Congress has recognized the responsibility of the Federal Government to lead the Nation in other conservation battles, and I am sure it will assume the same responsibility in this case.

Mr. VANIK. Mr. Chairman, I wish to commend this hard-working committee and its diligent chairman for their labors on this crucial measure. There is no group more keenly aware of the severe nature of the problems of water purity and supply than the chairman and his committee.

This bill will aid immeasurably in our fight to preserve our water supplies. Under the 4-year \$20 million project development program new methods will be discovered to control storm sewer systems

and sanitary sewage treatment. These efforts are an invaluable part of a total water pollution control program.

By doubling the ceiling of grants to individual projects to \$1.2 million and twice that amount for joint projects individual locales are further assisting in the realization of projects which have been long overdue. The 10 percent incentive above the ceiling has merit since it is based upon the development of a comprehensive plan for a metropolitan area.

The several States must take the initiative of participating in this program by filing a letter of intent within 90 days to the Secretary of Health, Education, and Welfare that the State will establish water quality criteria applicable to interstate waters before June 30, 1967. It is my hope that my State of Ohio will not delay the implementation of this law by waiting the maximum time allotted.

As matters stand now the State of Ohio has refused to acknowledge that the critical problem of pollution of the waters of Lake Erie is a matter for the Federal Government to treat. The several States have neither the capacity nor manpower to effect a meaningful comprehensive program. The failure to act by the States has cost millions to those who depend upon Lake Erie and the other Great Lakes for fresh water, commerce, and recreation. The moneys already lost have been multiplied many fold as lake-related businesses have been stunted, decreasing jobs and tax revenue. Therefore, it was my hope that the Federal Government will have the opportunity to act when there is inaction by the States.

At the present time, Lake Erie is the largest body of contaminated fresh water in the world. Rich oxides and chemicals have permanently settled in the lake bottom and the level of this "life-killing" pollution is steadily rising and widening. Attractive marine life has all but vanished. Recreational values of the lake have diminished. The Lake Erie shores through three States between Detroit and Buffalo are replete with evidence of contamination. The Department of Health, Education, and Welfare has nevertheless determined that while there is serious and unquestionable pollution, it has not yet been proven to be interstate in nature qualifying Federal entry.

In the meantime, the Governor of Ohio has called for a Great Lakes Water Pollution Conference for Monday, May 10, at which he has invited other Governors of the Great Lakes area to consider the water pollution problem. On March 26, 1965, I wrote the following letter to Governor Rhodes:

It is with great interest that I learned today of your decision to call for a conference on Lake Erie pollution. The problem was certainly not understated and the plea for joint consideration of this matter by the Governors of all the States of the Great Lakes Basin is laudatory.

However, I am gravely concerned that the organization of the Great Lakes Water Pollution Compact and the development of studies and recommendations alone by that compact would serve to delay the direct solution of the problem.

An interstate compact among the several States would take an extended period of time to organize and would duplicate, in effect, the comprehensive studies which are currently being completed by the Public Health Service.

As matters stand now, the Department of Health, Education, and Welfare of the United States is ready, willing and able to schedule immediately a conference on Lake Erie pollution if you formally request it. Secretary Anthony J. Celebrezze told me last Monday, that a Federal conference on Lake Erie could not take place unless you request it.

Under Federal statutes a Federal Conference on Pollution is a mandatory prerequisite for the development of recommendations for pollution abatement and control. If these recommendations are not followed the Federal Government is then authorized to proceed to the courts to compel compliance with the "cleanup" directives.

It is my hope that the Governor's conference will not delay Federal entry into the solution of this problem.

I therefore urge that you request Secretary Anthony J. Celebrezze of Health, Education, and Welfare to proceed forthwith with a Federal Water Pollution Conference to meet simultaneously with the organization of a Governors' compact so that no time is lost in approaching effective solutions to the problem.

Mr. Chairman, I would interpret the vote on the legislation we consider today to indicate the tremendous public reaction and support to the Federal Government's activity in this field. It is my further hope that the Cleveland Water Pollution Conference called by Gov. James A. Rhodes will result in a call for a Federal water pollution conference on the Lake Erie problem so that the Federal machinery implemented by this bill may be put into motion.

Mr. ROUSH. Mr. Chairman, there can be no denial of the existence of a water pollution problem in our Nation. If there was no problem we would not be considering the legislation before us today.

There are other Members here who can claim and will, I am sure, exhibit a more detailed knowledge of this most serious subject than I can set forth. I wish to comment briefly on the urgency of the matter with which we are faced.

Time is a relative matter and 20 years can, from one point of view, appear to stretch out into the future in a seemingly interminable manner. But on this subject of water pollution, and the need to reduce and eliminate it, the end of the 20-year period is tomorrow.

By 1985 our Nation's population will have increased by 75 million people. This number is equal to the present population of the area extending from New York and New Jersey on the east to Illinois and Wisconsin on the west.

If we continue the present pace of attack on the water pollution problem on through the next two decades we will find ourselves almost hopelessly behind. It is imperative we upgrade our procedures and our efforts if we even hope to stand still in this area of need. The measure we are considering today will lend much-needed strength to the efforts of our States and cities and towns to combat this problem so vital to the health of our people.

We ourselves and our ancestors have grossly mismanaged this most precious

heritage of clean water. It remains for us to insure this heritage will be handed on to those who come after us if we are to meet our responsibilities. We can do no less than to make certain the problem will not increase. We should do more so that the clean, clear streams, rivers, and lakes of yesteryear will be restored to their original state.

Mr. FARNUM. Mr. Chairman, it is our opportunity today to take effective steps to safeguard the greatest of all natural resources, which is pure water, for all generations to come.

That we have this opportunity is due in large measure to the farsightedness and dedication of an astute colleague, the gentleman from Minnesota, the Honorable JOHN A. BLATNIK, which is a State with problems much like those of my own Michigan, a State aptly called "The Water Wonderland."

As long ago as 1956 he helped build the base upon which the able Committee on Public Works, through its distinguished chairman, the gentleman from Maryland GEORGE H. FALLON, has helped him bring to the floor this bill so vital to the future of our nation.

It is of great importance, it seems to me, that primary responsibility for much of the effort to prevent, control and abate water pollution is placed with the respective States and that promptness in action is encouraged through the requirement that each State to receive funds must demonstrate within 90 days after the day of enactment intent to establish water quality criteria applicable to interstate waters.

Let us hope that each of the states will take this local initiative to solve locally its own portion of the most pressing national problem facing us in the years immediately ahead.

It is important, of course, in the realm of the practical to underline the importance of the problem through establishment of a Federal Water Pollution Control Administration within the Department of Health, Education, and Welfare.

It is time indeed that we have an agency that will devote its total energies to attacking the pollution problem.

Increasing the amount of a single grant for municipal sewage treatment from a maximum of \$600,000 to \$1.2 million is certainly a step in the right direction as is the provision which grants of up to \$2.4 million when two or more community applications are combined.

Passage of this bill will be a great step forward in building the America those who come after us will enjoy. With it we help to undo the mistakes of the past and restore the wonderful continent that our forefathers found when they came seeking liberty and the pursuit of happiness on these shores.

Mr. PHILBIN. Mr. Chairman, first, I want to extend my heartiest congratulations and my highest commendation to my dear friend and esteemed colleague, the outstanding chairman handling this fine bill on the floor, the gentleman from Minnesota, Congressman JOHN A. BLATNIK, and all members of the committee for the effective manner in which the bill has been prepared and presented to the

House. I also want to thank the admired gentleman from Minnesota [Mr. BLATNIK], in particular, for the fair, balanced, informed and most impressive way in which he conducted the debate.

This bill is one of the most important that the Congress will be called upon to approve this session. First, because it relates to the health and well-being of the American people; second, because, as I have so often stated on this floor and elsewhere, the use, utilization, and control of water are of utmost importance to the American people and to this Government; and, thirdly, because this measure attacks the evil of pollution of our water supplies which is threatening us in so many ways these days; and fourthly, the issue of pure water must be settled now for the benefit of this generation and untold generations to come. The need, both public and private, is paramount.

This bill is one of several on the subject of water and pollution which this Congress has considered and approved within recent years. It is designed to enhance the quality and value of our water resources, and to set a national policy for the prevention, control and abatement of water pollution. The bill authorizes a four-year program starting this fiscal year at an annual level of \$20 million for grants to develop projects which will demonstrate new or improved methods of controlling waste discharges from storm sewers, or combined storm and sanitary sewers and provides contract authority for these purposes.

Federal grant participation is limited to 50 percent of the estimated, reasonable project cost, and may not exceed 5 percent of the total authorized annual amount for any one project. There is also a 25 percent limitation of the total appropriation on the funds which may be expended by contract during the fiscal year.

The bill doubles the dollar ceiling limitations on grants for construction of waste treatment works from \$300,000 to \$1.2 million for an individual project, and from \$2.4 to \$4.8 million for a joint project, in which two or more communities participate. The bill also gives the Secretary discretion to increase the basic grant by an additional 10 percent, if the project conforms to a comprehensive plan for a metropolitan area.

The bill also provides enforcement procedures to abate pollution resulting in a substantial economic injury from the inability to market shellfish or shellfish products in interstate commerce.

Proper safeguards for these enforcement procedures are in the bill to protect individual rights, require the production of appropriate evidence and to assure proper labor standards.

The chairman of the full committee, our most distinguished and beloved friend, the very able gentleman from Maryland, Congressman GEORGE H. FALLON, and all his colleagues on the committee, have long labored and have made effective contributions in the vital area of antipollution measures of the Federal Government, and it is noteworthy and commendable that these very able colleagues of ours have so keenly and clear-

ly recognized the great need of declaring war upon pollution before it spreads its devastating effects throughout even more of the country.

The fight against pollution must be designed not only to eliminate existing pollution, but to prevent further pollution, and to assist municipalities and the several States to achieve these necessary ends, in behalf of enlightened sanitation and public health, not to speak of conservation and recreation.

I have long been interested in this subject, and have joined most vigorously in the past in the efforts the Congress has made to purge the Nation of harmful pollution. I am, therefore, especially pleased again to lend my voice and to cast my vote for this meritorious bill.

I hope that the communities and States will avail themselves of this new and broad opportunity to press toward the complete elimination wherever need exists in our communities and in our country, in the interest of public health, in the interest of the individual citizen and family, and in the interest of a better, cleaner, more wholesome, and happier country for all.

Mr. GRABOWSKI. Mr. Chairman, it is a great pleasure for me to join with my distinguished colleagues in support of the legislation before the House. With a great many Americans I have always been concerned with the quality of water resources. For many years I have believed that our Nation's streams constituted the lifeblood of the Nation's health.

Our people require clean water in every respect whether we are referring to drinking water or to those leisurely hours when we vacation with family and friends near a cool lake. It is important that the quality of the water be of the highest possible standard.

In supporting this legislation, I am aware of the great efforts that have been made by the members of the House Public Works Committee, and by various members of the other body. I have followed this work and I have read through the hearings that have been held in each body. I have been convinced that their work merits our great admiration. And I want to take this opportunity to praise the distinguished gentleman from Minnesota [Mr. BLATNIK] and all other Members who have worked so diligently on this legislation to amend the Federal Water Pollution Control Act, as amended.

This legislation has many, many interesting features. It establishes the Federal Water Pollution Control Administration. It provides grants for significant R. & D. matters and increases the grants for construction of municipal sewage treatment works.

It is a timeworn cliché to say that water is our greatest resource. As we look across the broad expanse of the globe, we can readily see that water constitutes a much wider area than land. We have been particularly fortunate here in the United States and it is absolutely imperative that we begin now on the course to settle the issue of pure water for all time. As was stated so poignantly in the House committee report to accompany S. 4:

The issue of pure water must be settled now for the benefit of, not only this generation, but for untold generations to come.

Mr. Chairman, in my judgment, the legislation before the House today will start us on the road to substantial and necessary improvement of our Nation's waterways. In two brilliant messages since January our distinguished President has called for improvement of our Nation's waterways. And back in the mid-thirties another great Democratic President said:

To some generations much is given, to others much is expected. This generation of America has a rendezvous with destiny.

These memorable words of Franklin Delano Roosevelt apply to the present problem at hand.

Mr. Chairman, I know that other Members of this distinguished House will speak to the specific aspects of this legislation. I want to conclude my remarks by simply saying that I believe—in terms of water quality improvement—this generation of Americans has a challenge and a moral commitment to start the long process of cleaning up our streams. I also know that representatives of the local governments and industry are prepared to begin together the long and difficult task that lies ahead. The legislation before us, as approved unanimously by the House Committee on Public Works, will start the ball rolling. I urge its immediate enactment. It will be of lasting benefit to all residents of the Sixth Connecticut District.

Mr. DUNCAN. Mr. Chairman, I am delighted that this bill has reached the floor of the House and will soon become law. The gentleman from Minnesota [Mr. BLATNIK] deserves the applause of the Nation for his efforts. There is no more important factor in the future of this country than water and the time is long since past when it should have had more of our attention. Parochial and personal considerations can no longer defer the solution of this problem.

I sit on the appropriations subcommittee handling the appropriations for this subject. Testimony was presented to us that 1,511 requests for Federal grants were in preparation or under review, all with the necessary local financing. With our present \$100 million authorization only 800 of these sewage-disposal projects can be built; \$184.8 million in Federal funds is required to cover the applications in already, not to mention those that can still reasonably be expected during the next fiscal year.

Because I am convinced that the time is here when we must cease polluting our rivers and estuaries; because we have the knowledge now to correct this grave deficiency in our civilization I am convinced that we cannot afford not to proceed with all possible speed to eliminate the blight of pollution. For that reason I introduced H.R. 5377 for the purpose of doubling the authorization for matching funds for pollution control from \$100 million to \$200 million. This bill adds \$50 million for which I am grateful but which I consider to be inadequate. I am, nevertheless, willing to take half a cake to no cake at all.

I am also concerned about the change from the Senate bill to allow the States

to set their own water quality standards. Certainly I would far prefer the States to handle this problem as I would so many of the others. But they have not done it so far and I doubt that they can under this law. I envision an interstate stream dividing two States which are commercial rivals with similar industries with disposal problems. It is obvious that both States must agree or there will be no standards. It will be the purest of coincidences if both States can set standards which will clean up the stream.

Again I say, that, while the bill is not perfect, it represents a step forward. The States have their chance. I hope they will succeed. If they do not, we must.

Mr. ZABLOCKI. Mr. Chairman, I rise in support of the Water Quality Act of 1965.

At the outset I want to commend the gentleman from Minnesota [Mr. BLATNIK] and the other members of the Committee on Public Works for reporting this important and necessary piece of legislation to the floor for action.

Our population is growing rapidly. In 1900 there were 76 million Americans. In 1950 there were 150 million. In 1960 there were 180 million. By 1980 it is expected that our population will reach 260 million. Obviously the more people there are the more water we have to have and the more sewage there will be. In the past 100 years water consumption in the United States has risen from a few gallons a day per person to about 700 gallons daily per person. Today the Nation is using approximately 323 billion gallons of water daily. Of this amount, industry uses 160 billion gallons; irrigation, 141 billion; municipal, 22 billion. In 1980 it will jump to 597 billion gallons per day, with industry using 394 billion; irrigation, 166 billion; and municipal, 37 billion.

It takes an ocean of water to maintain our jobs—1,400 gallons to produce a dollar's worth of steel; nearly 200 gallons for a dollar's worth of paper; 500 gallons to manufacture a yard of wool, and 320 gallons to make a ton of aluminum. Water quality and quantity requires careful planning and only clean water will do for most of our needs. So, the water supply must be protected to keep it clean or it must be treated each time it is used until it is clean.

The Water Quality Act of 1965 will, in my opinion, be a powerful legal tool in assisting the national effort toward proper water pollution control and increased purity in the water of our Nation's rivers, lakes, and streams.

Therefore, Mr. Chairman, I urge passage of the measure before us today. We must insure that pure water—so necessary to life—is available to our children and our children's children.

Mr. HORTON. Mr. Chairman, I rise in support of the pending legislation. S. 4 has my enthusiastic endorsement and I shall vote for it.

Water pollution is a serious national problem that deserves Federal attention and action. The steps we have taken so far to provide Government help to the States and local communities in combating polluting conditions have paid off handsomely.

Now, we can do even more. The formula for assistance in this measure promises to be a strong stimulant for other levels of Government to be powerful partners in the fight against pollution.

From my service on the Natural Resources and Power Subcommittee of the House Government Operations Committee, I am very much aware of the scope and extent of pollution problems in our Nation. I have seen them first hand and heard from officials in various areas of the country on the positive controls that can be installed with the kind of Federal assistance proposed in S. 4.

I am particularly pleased at the assistance this legislation will make available to New York State, for my State is embarking on a very ambitious program to purify its water resources and assure their clean condition for the future. The New York pure waters program has been designed in complete harmony with the additions being made to Federal water pollution efforts as they are embodied by the bill before us today.

We can and will assure clean water for our Nation by further helping to build and operate up-to-date sewage treatment systems, by providing information and guidance to industries for their pollution-abating activities, and by better measuring water situations throughout the country in order that we know where action is needed.

I believe the public investment in pure water will be returned many times over in terms of better health, improved recreation, higher property values, lower water costs, and general economic expansion because our Nation will be a finer place to live, work and play.

Mr. Chairman, this legislation represents considerable assistance from the Federal Government to help our States and localities answer water pollution problems. It is the result of long and serious consideration and has a potential of protecting our Nation's water supply in a very positive fashion.

Therefore, I urge the House to give its overwhelming approval to the passage of this bill.

Mr. BLATNIK. Mr. Chairman, I have no further requests for time.

Mr. CRAMER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) section 1 of the Federal Water Pollution Control Act (33 U.S.C. 466) is amended by inserting after the words "SECTION 1." a new subsection (a) as follows:

"(a) The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution."

(2) Such section is further amended by redesignating subsections (a) and (b) thereof as (b) and (c), respectively.

(3) Subsection (b) of such section (as redesignated by paragraph (2) of this subsection) is amended by striking out the last sentence thereof and inserting in lieu of such

sentence the following: "The Secretary of Health, Education, and Welfare (hereinafter in this Act called 'Secretary') shall administer this Act through the Administration created by section 2 of this Act, and with the assistance of an Assistant Secretary of Health, Education, and Welfare designated by him, shall supervise and direct (1) the head of such Administration in administering this Act and (2) the administration of all other functions of the Department of Health, Education, and Welfare related to water pollution. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe."

(b) Section 2 of Reorganization Plan Numbered 1 of 1953, as made effective April 1, 1953, by Public Law 83-13, is amended by striking out "two" and inserting in lieu thereof "three"; and paragraph (17) of subsection (d) of section 303 of the Federal Executive Salary Act of 1964 is amended by striking out "(2)" and inserting in lieu thereof "(3)".

Mr. BLATNIK (interrupting reading). Mr. Chairman, I ask unanimous consent that further reading of section 1 be dispensed with, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BLATNIK. Mr. Chairman, this covers the water pollution situation, and states the purpose, that is, Federal water pollution control is to enhance the quality and value of our water resources and establish a national policy for the prevention, control and abatement of water pollution.

The Clerk read as follows:

SEC. 2. (a) Such Act is further amended by redesignating sections 2 through 4, and references thereto, as sections 3 through 5, respectively, sections 5 through 14, as sections 7 through 16, respectively, by inserting after section 1 the following new section:

"FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

"SEC. 2. Effective ninety days after the date of enactment of this section there is created within the Department of Health, Education, and Welfare a Federal Water Pollution Control Administration (hereinafter in this Act referred to as the 'Administration'). The head of the Administration shall be appointed, and his compensation fixed, by the Secretary. The head of the Administration may, in addition to regular staff of the Administration, which shall be initially provided from the personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions; and he may delegate any of his functions to, or otherwise authorize their performance by, any officer or employee of, or assigned or detailed to, the Administration."

(b) Subject to such requirements as the Civil Service Commission may prescribe, any commissioned officer of the Public Health Service who, on the day before the effective date of the establishment of the Federal Water Pollution Control Administration, was, as such officer, performing functions relating to the Federal Water Pollution Control Act may acquire competitive civil service status and be transferred to a classified position in the Administration if he so transfers within six months (or such further period as the Secretary of Health, Education, and Welfare may find necessary in individual cases) after such effective date. No commis-

sioned officer of the Public Health Service may be transferred to the Administration under this section if he does not consent to such transfer. As used in this section, the term "transferring officer" means an officer transferred in accordance with this subsection.

(c) (1) The Secretary shall deposit in the Treasury of the United States to the credit of the civil service retirement and disability fund, on behalf of and to the credit of each transferring officer, an amount equal to that which such individual would be required to deposit in such fund to cover the years of service credited to him for purposes of his retirement as a commissioned officer of the Public Health Service to the date of his transfer as provided in subsection (b), but only to the extent that such service is otherwise creditable under the Civil Service Retirement Act. The amount so required to be deposited with respect to any transferring officer shall be computed on the basis of the sum of his basic pay, allowance for quarters, and allowance for subsistence and, in the case of a medical officer, his special pay, during the years of service so creditable, including all such years after June 30, 1960.

(2) The deposits which the Secretary of Health, Education, and Welfare is required to make under this subsection with respect to any transferring officer shall be made within two years after the date of his transfer as provided in subsection (b), and the amounts due under this subsection shall include interest computed from the period of service credited to the date of payment in accordance with section 4(d) of the Civil Service Retirement Act (5 U.S.C. 2254(c)).

(d) All past service of a transferring officer as a commissioned officer of the Public Health Service shall be considered as civilian service for all purposes under the Civil Service Retirement Act, effective as of the date any such transferring officer acquires civil service status as an employee of the Federal Water Pollution Control Administration; however, no transferring officer may become entitled to benefits under both the Civil Service Retirement Act and title II of the Social Security Act based on service as such a commissioned officer performed after 1956, but the individual (or his survivors) may irrevocably elect to waive benefit credit for the service under one Act to secure credit under the other.

(e) A transferring officer on whose behalf a deposit is required to be made by subsection (c) and who, after transfer to a classified position in the Federal Water Pollution Control Administration under subsection (b), is separated from Federal service or transfers to a position not covered by the Civil Service Retirement Act, shall not be entitled, nor shall his survivors be entitled, to a refund of any amount deposited on his behalf in accordance with this section. In the event he transfers, after transfer under subsection (b), to a position covered by another Government staff retirement system under which credit is allowable for service with respect to which a deposit is required under subsection (c), no credit shall be allowed under the Civil Service Retirement Act with respect to such service.

(f) Each transferring officer who prior to January 1, 1957, was insured pursuant to the Federal Employees' Group Life Insurance Act of 1954, and who subsequently waived such insurance, shall be entitled to become insured under such Act upon his transfer to the Federal Water Pollution Control Administration regardless of age and insurability.

(g) Any commissioned officer of the Public Health Service who, pursuant to subsection (b) of this section, is transferred to a position in the Federal Water Pollution Control Administration which is subject to the Classification Act of 1949, as amended, shall receive a salary rate of the General Schedule grade of such position which is nearest to

but not less than the sum of (1) basic pay, quarters and subsistence allowances, and, in the case of a medical officer, special pay, to which he was entitled as a commissioned officer of the Public Health Service on the day immediately preceding his transfer, and (2) an amount equal to the equalization factor (as defined in this subsection); but in no event shall the rate so established exceed the maximum rate of such grade. As used in this section, the term "equalization factor" means an amount determined by the Secretary to be equal to the sum of (A) 6½ per centum of such basic pay and (B) the amount of Federal income tax which the transferring officer, had he remained a commissioned officer, would have been required to pay on such allowances for quarters and subsistence for the taxable year then current if they had not been tax free.

(h) A transferring officer who has had one or more years of commissioned service in the Public Health Service immediately prior to his transfer under subsection (b) shall, on the date of such transfer, be credited with thirteen days of sick leave.

(i) Notwithstanding the provisions of any other law, any commissioned officer of the United States Public Health Service with twenty-five or more years of service who has held the temporary rank of Assistant Surgeon General in the Division of Water Supply and Pollution Control of the United States Public Health Service for three or more years and whose position and duties are affected by this Act, may, with the approval of the President, voluntarily retire from the United States Public Health Service with the same retirement benefits that would accrue to him if he had held the rank of Assistant Surgeon General for a period of four years or more if he so retires within ninety days of the date of the establishment of the Federal Water Pollution Control Administration.

(j) Nothing contained in this section shall be construed to restrict or in any way limit the head of the Federal Water Pollution Control Administration in matters of organization or in otherwise carrying out his duties under section 2 of this Act as he deems appropriate to the discharge of the functions of such Administration.

(k) The Surgeon General shall be consulted by the head of the Administration on the public health aspects relating to water pollution over which the head of such Administration has administrative responsibility.

Mr. WRIGHT (interrupting reading of the bill). Mr. Chairman, I ask unanimous consent that section 2 be considered as having been read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WRIGHT. Mr. Chairman, this section provides for an upgraded status within the administrative structure for the water pollution control activities. Heretofore, the control of water pollution has been relegated to the very minor status of a division within a bureau of the Public Health Service within the Department of Health, Education, and Welfare. Certainly that is not a standing in keeping with or equal to the tasks or the importance of this activity. This section of the bill creates a Federal Water Pollution Control Administration. It will unify the three basic activities of research, enforcement, and assistance in one office. It consolidates the numerous scattered activities under one effective head. It will make compliance

considerably easier, and make administration more effective.

AMENDMENTS OFFERED BY MR. BLATNIK

Mr. BLATNIK. Mr. Chairman, I have two amendments to offer, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. BLATNIK: Page 17, line 2, strike out "4(d)" and insert in lieu thereof "4(e)".

Page 17, line 3, strike out "2254(c)" and insert in lieu thereof "2254(e)".

The amendments were agreed to.

Mr. BLATNIK. Mr. Chairman, I have three correcting amendments to offer, and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. BLATNIK: Page 21, line 23, strike out "1965," and insert in lieu thereof "1966,".

Page 21, line 25, strike out "purpose of making grants under" and insert in lieu thereof "purposes of".

Page 22, line 2, after "grant" insert "or contract."

The amendments were agreed to.

The Clerk read as follows:

SEC. 3. Such Act is further amended by inserting after the section redesignated as section 5 a new section as follows:

"GRANTS FOR RESEARCH AND DEVELOPMENT

"SEC. 6. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes, by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes, except that not to exceed 25 per centum of the total amount appropriated under authority of this section for any fiscal year may be expended under authority of this sentence during such fiscal year.

"(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by an appropriate State water pollution control agency or agencies and by the Secretary; (2) no grant shall be made for any project in an amount exceeding 50 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration of a new or improved method of controlling the dis-

charge into any water of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes.

"(c) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1965, and for each of the next three succeeding fiscal years, the sum of \$20,000,000 per fiscal year for the purpose of making grants under this section. Sums so appropriated shall remain available until expended. No grant shall be made for any project in an amount exceeding 5 per centum of the total amount authorized by this section in any one fiscal year."

SEC. 4. (a) Clause (2) of subsection (b) of the section of the Federal Water Pollution Control Act herein redesignated as section 8 is amended by striking out "\$600,000," and inserting in lieu thereof "\$1,200,000,".

(b) The second proviso in clause (2) of subsection (b) of such redesignated section 8 is amended by striking out "\$2,400,000," and inserting in lieu thereof "\$4,800,000,".

(c) Subsection (b) of such redesignated section 8 is amended by adding at the end thereof the following: "The limitations of \$1,200,000 and \$4,800,000 imposed by clause (2) of this subsection shall not apply in the case of grants made under this section from funds allocated under the third sentence of subsection (c) of this section if the State agrees to match equally all Federal grants made from such allocation for projects in such State."

(d) (1) The second sentence of subsection (c) of such redesignated section 8 is amended by striking out "for any fiscal year" and inserting in lieu thereof "for each fiscal year ending on or before June 30, 1965, and the first \$100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965,".

(2) Subsection (c) of such redesignated section 8 is amended by inserting immediately after the period at the end of the second sentence thereof the following: "All sums in excess of \$100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States."

(3) The third sentence of subsection (c) of such redesignated section 8 is amended by striking out "the preceding sentence" and inserting in lieu thereof "the two preceding sentences".

(4) The next to the last sentence of subsection (c) of such redesignated section 8 is amended by striking out "and third" and inserting in lieu thereof ", third, and fourth".

(e) The last sentence of subsection (d) of such redesignated section 8 is amended to read as follows: "Sums so appropriated shall remain available until expended. At least 50 per centum of the funds so appropriated for each fiscal year ending on or before June 30, 1965, and at least 50 per centum of the first \$100,000,000 so appropriated for each fiscal year beginning on or after July 1, 1965, shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under."

(f) Subsection (d) of such redesignated section 8 is amended by striking out "\$100,000,000 for the fiscal year ending June 30, 1966, and \$100,000,000 for the fiscal year ending June 30, 1967," and inserting in lieu thereof "\$150,000,000 for the fiscal year ending June 30, 1966, and \$150,000,000 for the fiscal year ending June 30, 1967."

(g) Subsection (f) of such redesignated section 8 is redesignated as subsection (g) thereof and is amended by adding at the end thereof the following new sentence: "The Secretary of Labor shall have, with respect

to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z—15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c)."

(h) Such redesignated section 8 is further amended by inserting therein, immediately after subsection (e) thereof, the following new subsection:

"(f) Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant made under subsection (b) of this section by an additional 10 per centum of the amount of such grant for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term 'metropolitan area' means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof."

Mr. CRAMER (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that this section be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McCARTHY. Mr. Chairman, I move to strike out the last word.

(Mr. McCARTHY asked and was given permission to revise and extend his remarks.)

Mr. McCARTHY. Mr. Chairman, two beleaguered contingents—one Federal and one local—have been waging a valiant war on water pollution.

But, we seem to be losing the war. Lake Erie, whose waters stretch for 20 miles in my district, soon will die if drastic steps are not taken promptly.

Reinforcements are needed. A third army must be recruited now. We need the States in this all-out battle.

In this bill, for the first time, the States are offered a real incentive to join in.

They are offered an incentive to help their larger cities shoulder the burden of this costly war.

Pollution, obviously, occurs where there are people. So the larger cities are the larger polluters.

But, until the \$600,000 ceiling on a single project looked awkwardly, even impossibly low to the burgeoning municipalities.

Six hundred thousand dollars does not look like much to a fiscally strapped city

that is faced with the need for a \$10 million waste treatment plant and sees no hope of State aid.

The enemy—pollution—looks pretty ghastly, grim and growing to such a beleaguered city.

Responding to the plight of the cities, the committee has proposed that an additional \$50 million be added to the original \$50 million, a year program.

We propose that the new money be allocated to the States on a strict population basis and that the ceiling on Federal participation be raised to let the larger cities in. That it be lifted to a full 30 percent of the total cost of a waste treatment plant regardless of the total amount involved, provided that the State match dollar for dollar, all moneys allocated from the additional \$50 million.

My State of New York has indicated that it would join the fight on this 30-30-40 basis—30 Federal, 30 State, 40 local. Other States would surely join in too.

This would offer new hope and help to those cities that previously faced a plight, like the city I mentioned, with the prospect of financing 94 percent of a \$10 million waste treatment plant.

Under this new formula, this city could look to the State for \$3 million, to the Federal Government for \$3 million and would have to finance only \$4 million, or 40 percent, locally.

Most important, by keeping this provision intact, we will be recruiting a new contingent—the States—into a new, three-pronged attack on water pollution.

We will lighten the financial load on all governments, hasten a victory over pollution and a cleanup of the Nation's waters.

But other forces, by way of other legislation and White House action, will have to join in if a total victory is to be gained.

Industries, many of whom have been draft-dodgers to date, must be pressed into the service with the carrot of tax incentives for extensive pollution abatement equipment and the stick of strict enforcement.

Our good neighbor Canada should be invited to join either through a new treaty or the existing international joint commission.

In a joint attack, Canada and the United States should eliminate municipal and industrial pollution from the Great Lakes, dredge vast quantities of algae from lake bottoms and finally, channel a new water supply from Hudson's Bay into the lakes to flush out pollutants, raise lake levels and provide for increased United States and Canadian water needs.

Much remains to be done. We must progressively escalate this war if we are to be victorious.

This bill today is a must.

As a Member of this body, as an American, a Buffalonian, a lover of Lake Erie, the Niagara River and all our lakes, streams and rivers, I fervently hope you will vote for it.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. McCARTHY. I yield to the gentleman from New York.

Mr. STRATTON. I wonder if the gentleman from New York would tell me

whether that means of the \$150 million authorized here, the \$50 million would be earmarked, so to speak, for the larger cities and the \$100 million would be earmarked for the smaller cities.

Mr. McCARTHY. Partially that would be the effect, because the additional \$50 million that we are discussing here now would be allocated on a strictly population basis, so that the larger States where the largest cities are would get more money proportionately. However, the smaller States would draw on that \$50 million also.

Mr. STRATTON. I hope that that interpretation will be clear in the record because while I recognize the problem of the larger cities, I am fearful if we raise the ceiling too high all the money might go to the largest cities, and we who represent the smaller communities might end up with very little in our areas.

If that \$50 million is in a sense earmarked for cities, then we representing smaller communities can be sure that our communities still have something to help them out.

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. McCARTHY. I yield to the gentleman.

Mr. BLATNIK. The gentleman from New York [Mr. McCARTHY], a member of the committee, has answered the question and clarified the question raised by the gentleman from New York [Mr. STRATTON]. We completely protect and do not at all change the position, and the justifiable position of priorities to small communities. On that initial \$100 million authorization, half of that will be reserved. The priorities given to the \$125,000 is as it now exists and has existed for these years under current law. The additional \$50 million can be used in short by the States as they will. If their problem is as to small municipalities, they may emphasize aid in that direction for small municipalities. In other areas where we have huge metropolitan areas with their problems, then that money may be used to exceed the limit for the larger cities that equally need this. So we have a more flexible and more effective two-pronged program and at the same time encouraging and urging and hoping that the States will match on this additional \$50 million—match their share prorated on a population basis dollar for dollar and they may, therefore, be permitted to exceed the limit. So we do adequately without question protect smaller communities and interests and for the first time also give an opportunity to assist the larger municipalities.

Mr. McCARTHY. I thank the distinguished chairman. I might add that one of the important effects of this, and I am sure the gentleman would agree, is that for the first time there is offered a real incentive to the States to come into this program. Up until now the Federal Government and the localities have been fighting a rather beleaguered war on pollution. They need reinforcements and this will bring the States in by offering an inducement.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. McCARTHY. I yield to the distinguished gentleman from Indiana.

Mr. HALLECK. I just want to say as one of the newer members of this committee, it has been a pleasure for me to work on the committee in drafting this legislation. I think the committee approached the whole matter with fairness and a desire to do the right thing on both sides of the aisle, and I am happy to lend my support on the passage of this bill.

Mr. McCARTHY. I thank the gentleman from Indiana.

The CHAIRMAN. The time of the gentleman has expired.

AMENDMENT OFFERED BY MR. CLEVELAND

Mr. CLEVELAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLEVELAND: Page 24, line 8, strike out "(g)" and insert in lieu thereof "(h)".

Page 24, line 18, strike out "subsection" and insert in lieu thereof "subsections".

Page 25, line 18, strike out the quotation marks.

Page 25, after line 18, insert the following: "(g) Notwithstanding any other provision of this section, the Secretary may increase the amount of a grant made under subsection (b) of this section by an additional 15 percent of the amount of the total project cost if (1) the project for which the grant is made is for the service of a municipality located within an 'eligible area' as that term is defined in Section 3(a) of the Public Works Acceleration Act (76 Stat. 541), and (2) such municipality is located outside the 'Appalachian region' as that term is defined in Section 403 of the Appalachian Regional Development Act of 1965 (Public Law 89-4) and (3) the State or States in which such municipality is located pay toward the cost of such project an amount equal to the Federal contribution to such project authorized by subsection (b) of this section."

Mr. CLEVELAND. Mr. Chairman, I will try to explain this amendment briefly. The amendment was offered in committee but the committee did not adopt it.

The general purpose of this amendment is to recognize the fact that in some areas of the Nation, particularly those in the so-called deprived or disadvantaged areas, that even with 30 percent Federal help and even with 30 percent matching State funds, such as we have in New Hampshire, the remaining 40 percent is still beyond the reach of many of these small communities. This is particularly true of towns near or on the headwaters of some of the rivers that contribute to the pollution, which sometimes carries downstream and so affects the other communities far down the river.

The Committee on Public Works has recognized the fact that some of these rural communities cannot afford to participate with the matching funds necessary for sewage plants.

A remedy was provided in the Appalachian bill where up to 80 percent of the participating funds will be supplied by the Federal Government.

It seems only fair that in those rural towns—particularly those in depressed, distressed or disadvantaged areas—there be an additional helping hand from the

Federal Government, in recognition of the fact that even if they try their utmost they cannot afford to match these funds.

With this thought I offer the amendment.

Mr. BLATNIK. Mr. Chairman, I rise in opposition to the amendment. At the same time I wish to make it clear I am in sympathy with the objectives of giving additional financial help to municipalities which have such a need.

This is not the place to do so. It would upset the standard, which is consistent and uniform, in a very progressive matching formula.

We are hopeful that the addition of the \$50 million will induce the States to act. We expect to match the 30 percent, leaving only 40 percent to be provided, and that will be of assistance.

Above all, there is legislation pending before our committee designed to give assistance to areas where municipalities, counties, and governmental subdivisions are in financial need. There is a substantial community facilities section, and I believe some of the communities to which the gentleman refers could benefit and could be assisted.

I am sympathetic to the objective, but this is not the place to take action. I ask that the amendment be defeated.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Florida.

Mr. CRAMER. I hesitate to oppose an amendment offered by the distinguished gentleman from New Hampshire, but I should like to ask a question.

An additional 15 percent is being proposed by the amendment, but there is no authorization increase to take care of the additional money in the amendment, so therefore would it not have to come out of the existing program which the legislation would authorize? In other words, the effect would be to permit a diversion of substantial funds to the additional "15 percent area."

Mr. BLATNIK. Yes.

Mr. CRAMER. Without increasing the authorization in the bill itself?

Mr. BLATNIK. That is correct.

Mr. CRAMER. This would have the effect of diverting funds from the authorizations proposed, as voted by the committee?

Mr. BLATNIK. That is correct.

Mr. CRAMER. From other communities which would otherwise qualify?

Mr. BLATNIK. That is correct.

Mr. CRAMER. I suggest to the gentleman that the question of depressed area legislation, as the gentleman from Minnesota said, will be considered by our committee. I believe that would be a better place for consideration of this proposal, although I hasten to say I doubt if I will be in support of that legislation when it is considered.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire [Mr. CLEVELAND].

The amendment was rejected.

Mr. SCHMIDHAUSER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise at this moment to

give my strong support to this excellent legislation. I should like to underscore certain provisions in it which are of exceptional value to us in the Midwest.

I have just returned from an exhaustive observation of the Mississippi River region of my congressional district. My trip vividly impressed upon me the urgency and imperative need for passage of the strong water pollution control bill which the House of Representatives is currently considering. The Mississippi River is now overflowing its banks and spreading over rich farmland, homes, factories, and areas along the river.

But the most serious aspect of the present flooding conditions is the flow of raw sewage directly into the Mississippi River. In many of the communities along the Mississippi, the water has backed up into the sewerage systems and put them out of operation, thus causing the free flow of raw sewage waste into the river. This situation not only is increasing the polluted state of the river, but has resulted in raw sewage being deposited over vast areas of the Upper Mississippi River Basin City water resources and individual wells have been contaminated and residents are faced with the prospect of a serious shortage of pure water. In short, a serious public health hazard has been created because of the inadequate ability of the existing disposal plants to cope with floodwaters.

My on-the-spot observations underscore the urgent need for this bill which contains a provision for coping with the existing public health hazard. We cannot continue to jeopardize the health and safety of our citizens who are in dire need of assistance for their efforts to cope with the serious problem resulting from the free flow of raw sewage into their homes and water. In the Quad City area, including Davenport and Bettendorf in my district, the sewage of 100,000 people is flowing directly into the river. This bill will help guard against future disasters in all parts of the Nation.

The Water Quality Act of 1965 will strengthen and broaden the national program of prevention, control, and abatement of water pollution. The progress that has been made under the Federal Water Pollution Control Act of 1956 and the amendments of 1961, in controlling and abating pollution makes it apparent that the goal of clean water can be achieved. Due largely to the untiring efforts of JOHN BLATNIK, of Minnesota, we have the opportunity today to vote on the Water Quality Act of 1965, which I believe will expand the water pollution control program and greatly accelerate the rate of progress toward clean water throughout the Nation.

This act provides for the creation of the Federal Water Pollution Control Administration. As water pollution control has taken on greater national significance through the past few years, it is now essential that the administration of this program be given the necessary identity and status to perform its functions.

The section of the Water Quality Act of 1965 which I believe is particularly significant in the progressive fight

against water pollution, is that which establishes a research and development program relating to combined sewers.

A great many cities in our country installed combined sewers at the time their sewer systems were constructed. Generally, these sewers are large enough to take not only the domestic sewage from the areas they serve, but also the water that runs off after a rainfall. Following a rain these sewers carry quantities of water which are frequently so great that it is not feasible to treat the water at any standard type of sewage treatment plant. And so, during periods of unusually high flow the excess water, including the domestic wastes carried with the water, is allowed to overflow directly to the receiving stream. Although the storm water provides some dilution of the domestic wastes, the heavy flows of storm water serve to flush out the accumulated organic material in the sewers, which increases the pollution of storm water overflows.

A recent study by the Department of Health, Education, and Welfare, on storm water overflows and combined sewer systems, showed that at least 59 million people in more than 1,900 communities are served by sewer systems which allow overflows. The annual average overflow is estimated to contain 3 to 5 percent of the untreated sewage and, during storms, the overflow contains as much as 95 percent of untreated sewage.

These discharges of untreated sewage adversely affect all known water uses, and significant economic loss results from the damages caused by these discharges.

There can be no question that something must be done about these discharges, but the question is what can be done.

The one method which we know will correct the problem is the complete separation of storm and sanitary sewers. With this method the domestic wastes would not be combined with the storm waters and would receive the treatment normally provided, at all times. This solution is technically sound, but financially impossible for most areas. Roughly, it would cost from \$20 to \$30 billion to achieve complete separation of sewers throughout the country. It is not hard to imagine why most cities find the cost of separating their sewers prohibitive.

Separating sewers involves not only spending huge amounts of money, but also involves disrupting normal life of a community. In order to separate sewers the streets must be torn up to lay the new pipes, thus streets must at times be closed to traffic and this can cause huge bottlenecks in rush-hour traffic. The merchants on the streets closed to traffic suffer great economic losses, as well. And, of course, the noise and dirt resulting from tearing up the streets are unpleasant to all.

Other methods of dealing with the problem of discharges from combined sewers have been proposed, but most of them are, as yet untried. These methods

include partial separation of sanitary and storm sewers and other contributing sources, expanded or new treatment facilities, holding tanks with or without chlorination, disinfection, storage using lagoons, lakes, quarries, and other depressions, storage using guttering, streets and roadways, and inlets, additional sewer capacity, regulation and control of flow through the sewer system, and improved planning and zoning.

Up to this time these methods have not been studied because there are very few of such installations to study. And yet, to solve the critical problem of noxious discharges from combined sewers these new methods must be studied and evaluated.

The Water Quality Act of 1965, by providing grants to assist in the development of projects to find new or better methods of controlling discharges from combined sewers, is a great step toward the solution of this problem.

The expenditure of \$20 million per year for the next 4 years, for research which can develop practical methods of controlling combined sewage wastes, is well justified when compared to the billions of dollars that otherwise would be of necessity be spent to install separate sewer systems in cities throughout the country.

Although grants for research and development are a vital part of the water pollution control program, grants for construction of waste treatment facilities are also an important part of the total program. At present, grants under provisions of the Federal Water Pollution Control Act give the greatest benefit to small cities where the Federal grants frequently cover 30 percent of the construction costs. As the act allows grants up to 30 percent of the costs or \$600,000, whichever is the smaller, large cities find that the Federal grants cover only a small portion of their total costs.

The Water Quality Act of 1965 provides for an increase in dollar limitations on treatment works construction. This increase will give the larger cities, with their proportionately greater treatment needs and expenditures, grants for a more equitable portion of their construction costs.

The procedures in the enforcement section of the Federal Water Pollution Control Act have been proven effective in the number of enforcement actions which have been taken. I am pleased to note that there are only two changes in this section, and both broaden the scope of the Secretary's authority in carrying out the enforcement provisions of this act.

The first change empowers the Secretary of Health, Education, and Welfare, to call a conference if he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution and action of Federal, State, or local authorities. Up to this time the Secretary has not had the authority to initiate action in such situations. This provision will enable the Secretary to take enforcement action where necessary, to deal with these problems.

The second change in the enforcement measures permits the issuance of subpoenas at the hearing stage of enforcement procedures to compel the presence and testimony of witnesses, and the production of any evidence that relates to any matter under investigation. Although hearings have been necessary in only 4 out of the 34 enforcement actions it is essential that when a hearing is required the Federal authorities have the power to obtain the information which will make the hearing an effective and productive procedure.

I am convinced that this bill before us today is a major step forward in the fight against water pollution. In this fight we cannot take a moment's rest, for as every day passes millions and millions of gallons of water containing domestic sewage and industrial wastes of every sort, are poured into our streams increasing the already intolerable pollution load.

(Mr. SCHMIDHAUSER asked and was given permission to revise and extend his remarks.)

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. (a) Subsection (f) of the section of the Federal Water Pollution Control Act herein redesignated as section 7 is amended by striking out "and" at the end of clause (5) and by inserting at the end of such subsection the following:

"(7) provides that the State will file with the Secretary a letter of intent that such State will establish on or before June 30, 1967, water quality criteria applicable to interstate waters and portions thereof within such State, and no State shall receive any funds under this Act after ninety days following the date of enactment of this clause until such a letter is so filed with the Secretary."

(b) Paragraph (1) of subsection (c) of the section of the Federal Water Pollution Control Act herein redesignated as section 10 is amended by striking out the final period after the third sentence of such subsection and inserting the following in lieu thereof: "or he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities."

(c) Subsection (e) of such redesignated section 10 of the Federal Water Pollution Control Act is amended by inserting immediately after the period at the end of the third sentence thereof the following: "In connection with any such hearing, the Secretary or his designee shall have power to administer oaths and to compel the presence and testimony of witnesses and the production of any evidence that relates to any matter under investigation at such hearing, by the issuance of subpoenas. No person shall be required under this subsection to divulge trade secrets or secret processes. Witnesses so subpoenaed shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States. In case of contumacy by, or refusal to obey a subpoena duly served upon, any person, any district court of the United States for the judicial district in which such person charged with contumacy or refusal to obey is found or resides or transacts business, upon application by the Secretary or the Attorney General, shall have jurisdiction to issue an order requiring such person to appear and give testimony, or to appear and produce evi-

dence, or both. Any failure to obey such order of the court may be punished by the court as contempt thereof."

Mr. THOMPSON of Louisiana (interrupting the reading). Mr. Chairman, I ask unanimous consent that section 5 be considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. THOMPSON of Louisiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and gentlemen of this body, I believe that probably the part of this legislation as it was reported from the Senate which caused the greatest amount of concern was the part wherein the Federal Government would be authorized to promulgate water standards nationally.

After long deliberation in many hearings, as has been brought out here today, it was determined, after many, many meetings, that it was the consensus of the various States and, in fact, in nearly all instances where States were heard through their Governors or representatives, that they would prefer to work out their own problems settling what the criteria of water standards should be. We know that no two streams have the same personality, so to speak.

No two interstate streams have the same problems. Some pollution is caused by industry, other pollution by natural causes, other pollution by agriculture, and other by the communities located on the streams. Nevertheless all of it is pollution. In most cases we believe that the States should solve their own problems if they can. We feel that the Federal Government should not—and the committee agreed to this unanimously—attempt to step in and set water standards unless and until we can prove conclusively that the several States cannot do it for themselves.

In having this entire matter considered in this package type of legislation we have created a great incentive for the States to cooperate in solving a common problem and yet allow them to retain their privileges and prerogatives.

The legislation provides that by simply filing a letter of intent within 90 days after the passage of this legislation the States will be able to go on with their surveys for the establishment of water criteria to the point where reports will be available to Congress by June 30, 1967, at which time most of this legislation will have expired and when the Congress will be able to take another look at it. Those States which do not conform to this privilege and duty that is being given to them will, of course, not be allowed to receive their new grants.

We agreed to this, as I say, unanimously in the committee, and I am quite sure that the other body will see our point of view because it is one of the parts of the bill which was considered the longest and given the greatest deliberation by the experts, scientists, engineers, and our own legal and engineering staff on the committee. I hope there will be no amendment offered to this.

Mr. BLATNIK. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, our personal friend and able colleague, Congressman JOHN DINGELL of Michigan, has been in the forefront of conservation measures particularly with regard to water pollution control legislation from the very inception of it. Mr. DINGELL has done a tremendous job and has given valuable assistance to me personally and to many of us who are interested in effective legislation in this field.

Mr. Chairman, I ask unanimous consent that the remarks of the Hon. JOHN DINGELL appear at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. DINGELL. Mr. Chairman, water is the lifeblood of every society. Without an adequate supply, history shows us, mighty nations crumble and once great peoples become the academic subjects of archeological diggings and scholarly dissertations.

Often, areas have been deprived of water due to changes in climatic conditions, changes over which primitive peoples and even advanced cultures have little control. While such deprivation is lamentable, at least man can console himself with the truth that the causes of his downfall are forces of nature beyond his power to affect.

We in America are confronted with a situation far more tragic. By polluting and defiling the sources of our water supply, we are thoughtlessly sowing the seeds of our own destruction. No acts of God are involved here, only the self-seeking shortsightedness of a prosperous nation.

Hence, it is imperative that we pause a moment amidst these days of unparalleled social and economic progress to take stock of this precious resource, the depletion of which would threaten our very survival, much less our struggle to build a better America.

The facts on water pollution are clear and frightening. As a nation, we receive about 1,200 billion gallons of water a day, about half of which is potentially usable. Current demand runs about 320 billion gallons daily, though only 315 billion gallons are available from running water and storage.

To make matters worse, water use is increasing at an accelerating rate. Since the turn of the century our population has tripled, but our fresh-water consumption has expanded eightfold from 40 billion gallons to the present level of 320 billion gallons a day. By 1980 water demand in America will have climbed to 600 billion gallons a day, about twice the present usage and equal to our total dependable supply.

Water reusage represents a partial solution to this crisis. The next time you turn on the faucet in your home, you will probably be reusing water utilized earlier by some upstream neighbor. In this sense we have not departed from the practices of ancient Rome, where water pipes bore the inscription:

The water you drink may have quenched Caesar's thirst.

In 1980, when our population will be in excess of 200 million, the water of most of our streams will have to be reused six or eight times.

Reusage will only enable us to escape our demand-supply water predicament, however, if the more serious problem of pollution is solved. Since 1900, the municipal-waste pollution load discharged into the Nation's waters has increased from 24 million people to 75 million. This will grow to 84 million in the next decade and to 150 million by 1980 unless strong measures are taken.

The pollution load from industrial wastes has soared from the equivalent untreated sewage of 15 million persons to 150 million persons since 1900. There have been enormous increases in pollution by new and highly toxic chemicals. Unless industry faces up to its responsibility to control its contamination of our waters, its contribution will be equivalent to the waste of 300 million persons by 1970 and no one knows how many by the year 2000.

More than 100 million Americans get their drinking water today from rivers carrying sewage, industrial wastes, and anything else that can be flushed down a sewer or thrown from a bridge. The same municipalities and industries that need more clean water are soiling and defiling their own water supplies and those of their neighbors.

A partial list of the things we dump into our waters includes: untreated municipal sewage; manufacturing wastes; oxygen-absorbing chemicals; fish and animal matter; germs and viruses of a thousand varieties, including dysentery, cholera, infectious hepatitis, and probably polio; and radioactive wastes in small but increasingly dangerous doses.

Having surveyed the facts of the matter, what are the results of this failure to conserve our limited water resources? Most obviously, we are fast approaching the day when we will experience acute shortages of healthful water for drinking, cleaning, and washing.

It requires 770 gallons of water to refine 1 barrel—42 gallons—of petroleum, 50,000 gallons to test an airplane engine, 65,000 to produce 1 ton of steel, 320,000 gallons to produce 1 ton of aluminum, and 600,000 gallons to make 1 ton of synthetic rubber. Clearly, if something is not done, our industries will soon be constrained by inadequate supplies of water.

Esthetically, we can already witness the scars of pollutions. Our rivers and lakes were once clear, swift, and teeming with game fish. Today many of them lay sluggish, shallow, clogged with municipal and industrial wastes, and unable to sustain wildlife of any sort.

Commercial fishing industries and sport fishing on many of our inland rivers once known for their high yield of delicious fish have vanished, because the fish have been poisoned and suffocated or because they are so contaminated as to be ill smelling, evil tasting and often unsafe.

But what is to be done? Public Health Service experts estimate that the construction of 4,000 new sewage treatment plants and the modernization of 1,700 more are needed to handle the present load of municipal sewage dumped into the Nation's rivers and streams. It is further estimated that it will require \$4.6 billion if municipalities are to catch up with treatment needs by 1968; \$1.9 billion to eliminate the backlog, \$1.8 billion to provide for population growth, and \$900 million to replace obsolete plants.

What is more, the problem is not a local or even a regional one, but plagues every part of the Nation. Looking at the Midwest from where I come, one is struck by the shameful spectacle of once beautiful Lake Erie dying a premature death due to pollution. Thoughtless pollution has rendered the lake's periphery a bleak wasteland, unfit for residence, recreation, or even industry.

Turning closer to my district in Michigan, one sees the sullied waters of the busy Detroit River, no longer fit even for swimming or fishing.

Industries discharge 1 billion gallons of waste into the Detroit River each day and municipalities discharge 540 million gallons of sewage. The river has changed from what was once a clean body of water at its head to a polluted body in its lower regions. The pollution is bacteriological, chemical, physical and biological, and this pollution will become progressively worse unless effective remedial action is taken at once.

The pollution of the Detroit River causes interference with municipal water supplies, recreation, fish and wildlife propagation, and navigation. It makes all forms of water contact sports in the lower Detroit River a distinct hazard.

Industries and municipalities discharge 6 million pounds of waste products into the Detroit River every day. At my urging in 1962, then Governor John B. Swainson of Michigan requested Federal enforcement officials to provide a solution to Detroit River pollution. The study undertaken after the 1962 conference has been concluded, and study recommendations are expected to provide an appropriate basis for remedial action to be taken in abatement of the pollution problem.

Concerned citizens elsewhere ask why little or nothing is being done to abate pollution. The responsibility for most abatement activity rests at State and local levels. Yet, due to weak antipollution laws and the unending efforts of industrial lobbyists, little progress has been recorded. Whenever Federal legislation is proposed to meet the problem, it is opposed on the grounds that it is an invasion of States rights.

A questionnaire sent out a few years ago by the chairman of the Public Works Committee of the House revealed that many States had never initiated their first proceedings under their respective water pollution laws. Others had never obtained a conviction because of gaps in laws and because of judicial and administrative indifference. Billion dollar corporations have been fined \$25 for major water pollution. Some States have no agency authorized to administer

State water pollution laws and one State which did have an administrative body to abate pollution found on one occasion that the legislature cut off its funds when it began to get too hard on a politically potent polluter. Industries often threaten to move out of a State if pollution control is enforced too rigorously, and States hungry for jobs and industry are prone to look the other way.

It was against this background of a growing national pollution crisis and State inability to act that Congress began, 17 years ago, to consider Federal legislation.

In 1948 Congress authorized the Surgeon General to assist and encourage State studies and programs to prevent and abate pollution of interstate waters, including the enactment of uniform State pollution control laws and adoption of interstate pollution contracts. It directed the Justice Department, with State consent, to institute court actions to require an individual or firm to cease practices causing pollution, and it created a Water Pollution Control Board.

In 1956 Congress increased the Surgeon General's initiative and powers. In 1961 Congress transferred Federal authority to the Secretary of Health, Education, and Welfare, expanded Federal abatement authority to cover intrastate and coastal waters, and permitted the Secretary to bring court actions through the Justice Department without first seeking State permission.

The present House bill will establish a Federal Water Pollution Control Administration within the Department of Health, Education, and Welfare. It will require States to promise within 90 days to establish water quality criteria for interstate waters by June 30, 1967, if they wish to qualify for Federal aid in the construction of water treatment facilities.

This latter provision replaces a Senate proposed to authorize the Secretary of Health, Education, and Welfare to establish and enforce water quality standards. The House bill provision looks in the right direction, but it does not go far enough and in my opinion it will not solve the problem. I was one of the first Members of Congress to introduce legislation to authorize Federal water quality standards, and I hope to see the conference committee on this bill adopt the Senate plan.

Water quality standards are an essential tool which should be afforded to the Secretary of Health, Education, and Welfare to begin a cleanup of our rivers and streams through effective preventive regulation. It enables the Federal Government, rather than seeking to restore streams, rivers and lakes which have been dreadfully abused, polluted and contaminated by the dumping of industrial wastes, to prevent abuse, pollution and contamination. The water quality standards in the Senate bill, and in my bills, H.R. 983 and H.R. 4482, as originally introduced, were meant to be a program for a continuing upgrading of our water to the highest level possible. Had this provision been enforced for 10 years, the Ohio newspapers would not be complaining about filth and sludgy ac-

cumulation in Lake Erie at the rate of 6 inches a year, and President Johnson would not be pointing out in his message the fact that 25 percent of Lake Erie is an ecological desert incapable of supporting fish or wildlife or serving as a recreational area in our growing America.

No single provision of the legislation, both that already approved by the Senate and the companion House measures, H.R. 3988, sponsored by the gentleman from Minnesota [Mr. BLATNIK] and my own bill, H.R. 4482, was open to more deliberate and flagrant misinterpretation than the proposed authority for setting of Federal water quality standards on interstate streams. This provision was given the endorsement of President Johnson in his message on natural beauty and accordingly supported by the administration and conservation and citizen interests as necessary in order to prevent pollution before it happens. It is more than particularly shocking, therefore, to learn that Secretary of Agriculture Freeman, on his own admission before another committee of the House, has interposed himself in opposition to this significant provision. Were his opposition based on fact, I would be the first to admire and applaud him. However, the analysis of this provision, which he submitted as the basis for his position, is wholly and totally lacking as to any real understanding or appreciation of the very language of this section. It is difficult in the extreme to even try to understand how this department head could regard the language of the bill as excluding the important water use interests which he represents from any voice in the preparation of the standards. What, if anything, is more clear and intelligible than the bill's wording that the Secretary of Health, Education, and Welfare would prepare regulations setting forth the standards "in consultation with the Secretary of the Interior and with other Federal agencies"? If he wished to have the identical specificity accorded to the Secretary of the Interior by inclusion of himself in the bill, why did not he say so? Instead, he pleads that the legislation slipped through his entire Department unnoticed, despite the fact that the same identical provisions received Senate approval in the previous Congress and renewed administration endorsement in this session. What is worse is to find in his analysis a key to his opposition in regard to "permits for waste disposal from Federal installations" which is not and has not been in any way included in S. 4 of the House companion measures. If, as I suspect, his analysis was prepared by legislative experts within his Department, I recommend that he do himself and his agency a distinct service by some swift firing, and unless he learns to better support his administration perhaps by a resignation.

As coauthor of this legislation I want to make another important point. This legislation in setting up an administration of water pollution control is not aimed at transferring the entire personnel now serving on water pollution in the Public Health Service. Its personnel have an important purpose to car-

ry out in the Public Health Service. They have been tried in connection with the handling of water pollution and in frequent cases have been found wanting.

As I pointed out in my testimony before the House Public Works Committee, progress in water pollution control under State administration and under the Public Health Service is moving, but is moving determinedly the wrong way. An increasing number of streams, utilities, municipal water supplies, and waters for fish and wildlife and for recreational purposes are defiled and destroyed each year.

My testimony stated in part:

When I testified before this committee more than 14 months ago, I had in my possession a list of 90 serious cases of interstate pollution on which no Federal enforcement action had been initiated. This list had been made available to me by the Secretary (of HEW) himself. Several days ago * * * I again requested a list of polluted rivers on which no Federal action had been taken, and this time I was proffered a list of 89 rivers. While less than overjoyed at the prospects of saving the Nation's waters at the aggregate advance rate of one river per annum, further investigation revealed that even this pathetic measure of progress was delusory. In fact, the list of 89 rivers actually included 102 waterways. Rivers that had been recorded separately on the first list were, for some reason, combined under one heading on the second list.

Of the 90 rivers that had appeared on the list more than a year ago, 33 had received Federal attention during 1964, while 57 had received none. In addition, 45 rivers on which no Federal action had been taken became seriously enough polluted to demand inclusion on the present list. Thus, after yet another year with the pollution program under the dead hand of the Public Health Service, and \$100 million later, we have fallen 12 rivers deeper on the debit side. Let no one accuse our pollution program of stagnating; it is moving quite determinedly in the wrong direction.

I do, however, pay richly deserved tribute to some of the highly capable people in the Public Health Service—like Mr. Murray Stein, who certainly is deserving of enthusiastic acclaim for his splendid work in this field, and by many others in that agency.

In other respects I favor this House bill. For example, it authorizes the HEW Secretary to subpoena necessary witnesses to water pollution control hearings.

Concurrently with steady progress toward uniform and effective control over water pollution, Congress has provided increasingly generous Federal aid for the construction of sewage treatment facilities. The present bill will authorize Federal grants up to \$150 million a year for 1966 and 1967.

Also in this bill Congress recognizes the advantages of large treatment plants by encouraging small communities to undertake joint projects, and raising the cost ceilings to \$1.2 million for single and \$4.8 million for joint installations. It also recognizes a special problem by authorizing research into the control of raw sewage overflows from combined storm and sanitary sewers.

As one of the earliest advocates of clean water for Americans, I urge Members of the House to vote for this bill

and to support the adoption in the conference committee of the Federal water quality standards provision.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. The section of the Federal Water Pollution Control Act hereinbefore redesignated as section 12 is amended by adding at the end thereof the following new subsections:

"(d) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(e) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act."

SEC. 7. (a) Section 7(f) (6) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 6(b) (4)." as contained therein and inserting in lieu thereof "section 8(b) (4); and".

(b) Section 8 of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 5" as contained therein and inserting in lieu thereof "section 7".

(c) Section 11 of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 8(c) (3)" as contained therein and inserting in lieu thereof "section 10(c) (3)" and by striking out "section 8(e)" and inserting in lieu thereof "section 10(e)".

SEC. 8. This Act may be cited as the "Water Quality Act of 1965".

Mr. BLATNIK (interrupting the reading of the bill). Mr. Chairman, these last two brief sections are primarily technical and for the purpose of enumerating and identifying certain portions of the bill. I ask unanimous consent that sections 7 and 8 be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON: Page 28, after line 21, insert the following:

"Sec. 8. Section 13(c) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by deleting the period at the end thereof, inserting a comma, and adding the following: 'and such lateral and other connecting sewer lines as the Secretary shall determine are necessary to a particular project.'" And on line 22, strike out "8" and insert "9".

(Mr. STRATTON asked and was given permission to revise and extend his remarks.)

Mr. STRATTON. Mr. Chairman, I support this program. I have supported it in the past, back in 1961 when we did not have quite as unanimous support for it as we have today; and I support it

today. It is a program that is vitally needed. But I would like to underline—and that is the purpose primarily of the amendment I am offering here—the peculiar problem that is being faced in the smaller communities, in the suburban areas, in the resort areas where all the recent growth has been taking place. I am not sure that this problem has been fully recognized in drafting this legislation.

And like the gentleman from New Hampshire [Mr. CLEVELAND], I too have an amendment which I think is addressed to that need.

I never quite realized just how much of a problem sewer lines pose for the rural and suburban areas of the country, until 2 years ago when we had the accelerated public works program in operation, with the Federal Government coming up with 50 percent help on local projects, assisting in the construction of needed water and sewer lines to provide for new divisions and subdivisions and new resort cottages. I realized then what a tremendous lack there was and what a tremendous need there was in our upstate, rural areas.

There are many communities I found, Mr. Chairman, where a sewer treatment plant exists but where effective sewage disposal is not being done because of the fact that many new areas are still not connected with the treatment plant and they need these new lines for the program to be effective.

My amendment is simply an amendment to the definition section of the act which defines the term "treatment works." In the present legislation treatment works are defined to include not only the actual sewage plant itself but also the necessary intercepting sewers, the outfall sewers, the pumping and other equipment and "extensions, improvements, remodeling and additions and alterations."

Maybe this wording would already take in those additional lines that you need to go out beyond the major interceptor sewers. But to be absolutely certain I think we ought to add this amendment, which would simply say that a sewer treatment work does include whatever necessary network of additional sewer lines the Secretary determines are essential to any particular project.

The cost of building these lines is sometimes as great as and sometimes even greater than the cost of building the plant itself. Many small communities that I have the honor to represent are faced, in New York State, with a mandate from the State to build their plant and the lines. And yet they find that the cost of these projects actually exceeds the assessed valuation of their own property. They cannot take full advantage of this program without help with sewer lines too. I think the help should be provided if this bill is to do an effective job.

This amendment would make the program more effective. While we all recognize the needs of our larger cities, as the gentleman from New York [Mr. McCARTHY], pointed out awhile ago, they are, after all, a little bit better equipped to finance these works than are the

smaller communities. My amendment would make the water pollution program a more meaningful one and one that could be more generally helpful. I urge the adoption of the amendment.

Mr. BLATNIK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, what the amendment proposes to do, of course, although in a limited way, is to extend the definition of "a sewage treatment facility plant." The need for interceptor connectors to lines, of course, is an important one. We do not have the money authorized in this legislation and in this program to nearly begin to undertake a program of that scope. For instance, in the treatment plant program alone we have a backlog of \$1.8 billion for almost 6,000 communities which do not even have a treatment plant, let alone the connector sewers.

Mr. Chairman, I am in sympathy, and I mean genuine sympathy, with the gentleman's problem and the proposal which he advocates.

We do have legislation to give broader assistance to municipalities in several forms of public works, not only the treatment plants, interceptor sewers, connecting sewers, substations, and so forth, but also water supply systems.

The gentleman from New York [Mr. STRATTON] has been a most consistent and effective supporter of legislation certainly of this type and he has given us some valuable and badly needed assistance and support in connection with the pending bill. It is my sincere hope that we can work together on additional legislation directed toward the problem which the gentleman from New York has described.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from New York.

Mr. STRATTON. The current legislation provides in section 13(c) that as I mentioned a moment ago, "treatment works" means—includes any extension, improvement, remodeling, additions, and alterations thereof.

Perhaps the chairman could make it clear that this language would seem, for example, to authorize this type of program—if you have an existing sewer treatment plant and some outlying sewers, an extension of that sewer system could be authorized under the current law; is that not correct?

Mr. BLATNIK. No; not the lateral connections of the sewers. The determination under this definition has been made administratively by the Secretary of the Department of Health, Education, and Welfare and it has been quite clear, and consistently followed, that it applies primarily and directly to the treatment facilities themselves, with some appurtenances or related mechanisms.

Mr. STRATTON. If the gentleman will yield further, obviously we do not mean the laterals into the houses. But unless you can put the sewerlines out into the communities, the new ones that are perhaps now being served by septic tanks, the sewer treatment plant itself is not effective. Perhaps, this could be done under the law as it stands, but it does seem to me that we need to spell it

out somewhere either in the amendment which I have offered or in the legislative history on this bill so that provision can be made for these newer areas.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Florida.

Mr. CRAMER. Mr. Chairman, I join the gentleman from Minnesota in his opposition to the amendment.

I think the gentleman from New York [Mr. STRATTON] stated the most effective and the clearest reasons for opposing the gentleman's amendment. The cost of this would probably be as great or greater than the entire treatment works program which exists today. No reasonable consideration has been given to this substantial increase in program or otherwise.

Mr. Chairman, I believe the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. STRATTON].

The amendment was rejected.

Mr. SWEENEY. Mr. Chairman, I move to strike the requisite number of words.

(Mr. SWEENEY asked and was given permission to revise and extend his remarks.)

[Mr. SWEENEY addressed the Committee. His remarks will appear hereafter in the Appendix.]

Mr. DORN. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I want to express my deep admiration and respect for the distinguished subcommittee chairman, the gentleman from Minnesota [Mr. BLATNIK]. I commend Mr. BLATNIK for the magnificent job he has done in getting the committee finally to agree unanimously on one of the most important and controversial pieces of legislation to come before the Congress in a number of years.

I commend our committee chairman, the gentleman from Maryland [Mr. FALLON], the gentleman from Louisiana [Mr. THOMPSON], and the gentleman from Texas [Mr. WRIGHT] who played very important roles in getting every member of the committee to unite on this legislation. I wish the gentleman from Alabama [Mr. JONES] could be here during this debate. Mr. JONES worked long and hard and deserves much credit for final committee approval of the bill. I wish for him a complete recovery and that he will soon be here where he is needed.

This bill in its present form is a good piece of legislation. The distinguished subcommittee chairman, Mr. BLATNIK, deserves the unanimous support of the House of Representatives for his bill. I believe the passage of this bill today will be a significant milestone in the legislative history of this great body. I urge and believe this bill will pass unanimously.

I want to say, Mr. Chairman, that getting the various members of this committee together on this bill has been a monumental accomplishment. By the persistent efforts of the gentleman from Minnesota and the efforts of many others, we have agreed on a piece of legislation that

will help purify the waters of the rivers of this country.

Unanimity could not have been possible without the splendid leadership of the minority leader, the gentleman from Florida [Mr. CRAMER]. The gentleman from Ohio [Mr. HARSHA], was most diligent, dedicated, and cooperative in helping to eliminate features of the original legislation objected to by industry, the States, and municipalities. Also, I commend Mr. BALDWIN, Mr. HALLECK, and the entire minority membership of the committee.

When this bill becomes law we will have the cooperation of the States, the local communities, and the industries involved.

Some days ago the distinguished chairman of the Committee on Interstate and Foreign Commerce brought forth a piece of controversial legislation—it was controversial at one time—before this body, and received a vote of 402 to 0. I hope the House will do the same in connection with this bill as a tribute to the magnificent achievement of the leaders of this committee who got all elements and factions together. It was no easy task to get the States, the local communities and industry, as well as the Federal Government, together on this bill, and I hope today the chairman of the subcommittee and the chairman of the full committee will receive a unanimous vote.

The CHAIRMAN. The question is on the committee substitute as an amendment to the Senate bill.

The substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore, Mr. ALBERT, having resumed the chair, Mr. SMITH of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 4) to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes, pursuant to House Resolution 339, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BLATNIK. Mr. Speaker, I object to the vote on the ground that a

quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 396, nays 0, not voting 37, as follows:

[Roll No. 82]

YEAS—396

| | | |
|-----------------|------------------|-----------------|
| Abbltt | Davis, Wis. | Herlong |
| Abernethy | Dawson | Hicks |
| Adair | de la Garza | Hollfield |
| Adams | Delaney | Horton |
| Addabbo | Dent | Hosmer |
| Albert | Denton | Howard |
| Anderson, Ill. | Derwinski | Hull |
| Anderson, Tenn. | Devine | Hungate |
| Andrews | Dickinson | Huot |
| George W. | Diggs | Hutchinson |
| Andrews | Dole | Ichord |
| Glenn | Donohue | Irwin |
| Andrews | Dorn | Jacobs |
| N. Dak. | Dow | Jennings |
| Annuizio | Dowdy | Joelson |
| Arends | Downing | Johnson, Calif. |
| Ashmore | Dulski | Johnson, Okla. |
| Aspinall | Duncan, Oreg. | Johnson, Pa. |
| Ayres | Duncan, Tenn. | Jonas |
| Baldwin | Dwyer | Jones, Mo. |
| Bandstra | Dyal | Karsten |
| Baring | Edmondson | Karth |
| Barrett | Edwards, Ala. | Kastenmeier |
| Bates | Edwards, Calif. | Kee |
| Battin | Ellsworth | Keith |
| Beckworth | Erlenborn | Kelly |
| Belcher | Evans, Colo. | Keogh |
| Bell | Evins, Tenn. | King, Calif. |
| Bennett | Fallon | King, N.Y. |
| Berry | Farbstein | King, Utah |
| Betts | Farnum | Kirwan |
| Bingham | Fascell | Kluczynski |
| Blatnik | Feighan | Kornegay |
| Boggs | Findley | Krebs |
| Boland | Fino | Kunkel |
| Bolling | Fisher | Laird |
| Bolton | Flood | Landrum |
| Bonner | Flynt | Langen |
| Bow | Fogarty | Latta |
| Brademas | Foley | Leggett |
| Bray | Ford, Gerald R. | Lennon |
| Brock | Ford, William D. | Lindsay |
| Brooks | Fountain | Lipscorn |
| Broomfield | Fraser | Long, La. |
| Brown, Ohio | Frelinghuysen | Long, Md. |
| Broyhill, N.C. | Friedel | Love |
| Broyhill, Va. | Fulton, Pa. | McCarthy |
| Buchanan | Fulton, Tenn. | McClary |
| Burke | Fuqua | McCulloch |
| Burleson | Gallagher | McDade |
| Burton, Calif. | Gathings | McDowell |
| Burton, Utah | Gettys | McEwen |
| Byrne, Pa. | Gilbert | McFall |
| Byrnes, Wis. | Gilligan | McGrath |
| Cabell | Gonzalez | McMillan |
| Cahill | Goodell | McVicker |
| Callan | Grabowski | Macdonald |
| Callaway | Gray | MacGregor |
| Cameron | Green, Pa. | Machen |
| Carey | Grelgg | Mackay |
| Carter | Grider | Mackie |
| Casey | Griffin | Madden |
| Cederberg | Griffiths | Mahon |
| Celler | Gross | Malliard |
| Chamberlain | Grover | Marsh |
| Chelf | Gubser | Martin, Ala. |
| Clancy | Gurney | Martin, Mass. |
| Clark | Hagan, Ga. | Martin, Nebr. |
| Clausen, | Hagen, Calif. | Matsunaga |
| Don H. | Haley | Matthews |
| Clawson, Del. | Hall | Meeds |
| Cleveland | Halleck | Michel |
| Clevenger | Hamilton | Miller |
| Cohelan | Hanley | Mills |
| Collier | Hansen, Idaho | Minish |
| Colmer | Hansen, Iowa | Mink |
| Conable | Hansen, Wash. | Minshall |
| Conte | Hardy | Mize |
| Corbett | Harris | Monagan |
| Craley | Harsha | Moore |
| Cramer | Harvey, Ind. | Moorhead |
| Cunningham | Harvey, Mich. | Morgan |
| Curtin | Hathaway | Morris |
| Curtis | Hays | Morse |
| Daddario | Hébert | Morton |
| Dague | Hechler | Mosher |
| Daniels | Helstoski | Moss |
| Davis, Ga. | Henderson | Multer |
| | | Murphy, Ill. |

| | | |
|----------------|---------------|-----------------|
| Murphy, N.Y. | Rodino | Sweeney |
| Murray | Rogers, Colo. | Talcott |
| Natcher | Rogers, Fla. | Taylor |
| Nedzi | Rogers, Tex. | Teague, Calif. |
| Nelsen | Ronan | Teague, Tex. |
| O'Hara, Ill. | Roncallo | Tenzer |
| O'Hara, Mich. | Rooney, N.Y. | Thomas |
| O'Konski | Rooney, Pa. | Thompson, La. |
| Olsen, Mont. | Roosevelt | Thompson, N.J. |
| Olson, Minn. | Rosenthal | Thompson, Tex. |
| O'Neal, Ga. | Rostenkowski | Thomson, Wis. |
| O'Neill, Mass. | Roudebush | Todd |
| Ottenger | Roush | Trimble |
| Passman | Roybal | Tuck |
| Patman | Rumsfeld | Tunney |
| Patten | Ryan | Tuten |
| Pelly | Satterfield | Udall |
| Pepper | St Germain | Ullman |
| Perkins | Saylor | Utt |
| Philbin | Scheuer | Vanik |
| Pickle | Schmidhauser | Vigorito |
| Pike | Schneebeli | Vivian |
| Pirnie | Schweiker | Walker, Miss. |
| Poage | Secrest | Walker, N. Mex. |
| Poff | Selden | Watkins |
| Pool | Senner | Watts |
| Powell | Shipley | Weltner |
| Price | Shriver | Whalley |
| Pucinski | Sickles | White, Tex. |
| Purcell | Sikes | Whitener |
| Quile | Skubitz | Whitten |
| Quillen | Slack | Widnall |
| Race | Smith, Calif. | Williams |
| Randall | Smith, Iowa | Willis |
| Redlin | Smith, N.Y. | Wilson, Bob |
| Reld, Ill. | Smith, Va. | Willson, |
| Reld, N.Y. | Springer | Charles H. |
| Reifel | Stafford | Wolff |
| Reinecke | Staggers | Wright |
| Reuss | Stalbaum | Wyatt |
| Rhodes, Ariz. | Stanton | Wylder |
| Rhodes, Pa. | Steed | Yates |
| Rivers, Alaska | Stephens | Younger |
| Rivers, S.C. | Stratton | Zablocki |
| Roberts | Stubblefield | |
| Robison | Sullivan | |

NAYS—0

NOT VOTING—37

| | | |
|---------------|--------------|--------------|
| Ashbrook | Green, Oreg. | Resnick |
| Ashley | Halpern | St. Onge |
| Brown, Calif. | Hanna | Schisler |
| Conyers | Hawkins | Scott |
| Cooley | Holland | Sisk |
| Corman | Jarman | Toll |
| Culver | Jones, Ala. | Tupper |
| Dingell | Mathias | Van Deerlin |
| Everett | May | Waggoner |
| Farnsley | Moeller | White, Idaho |
| Garmatz | Morrison | Young |
| Gialmo | Nix | |
| Gibbons | O'Brien | |

So the bill was passed.

The Clerk announced the following pairs:

Mr. Toll with Mr. Ashbrook.
 Mr. Waggoner with Mrs. May.
 Mr. Morrison with Mr. Halpern.
 Mr. Culver with Mr. Mathias.
 Mr. Nix with Mr. Tupper.
 Mr. Garmatz with Mr. Young.
 Mr. Gialmo with Mr. Van Deerlin.
 Mr. Dingell with Mr. Conyers.
 Mr. St. Onge with Mr. Farnsley.
 Mr. Schisler with Mrs. Green of Oregon.
 Mr. Sisk with Mr. Holland.
 Mr. Cooley with Mr. Ashley.
 Mr. Everett with Mr. Brown of California.
 Mr. Moeller with Mr. Corman.
 Mr. Scott with Mr. White of Idaho.
 Mr. Resnick with Mr. Hanna.
 Mr. Jarman with Mr. O'Brien.

The result of the vote was announced as above recorded.

The doors were opened.

The title was amended so as to read: "An Act to amend the Federal Water Pollution Control Act to establish a Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of sewage treatment works, to require establishment of water quality criteria, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. THOMPSON of Louisiana. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

COMMITTEE ON RULES

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file certain reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

THE LATE EDWARD R. MURROW

(Mr. KORNEGAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KORNEGAY. Mr. Speaker, yesterday the Nation and the world lost one of its most beloved and well-known voices in a man who was the epitome of modern mass communication. The voice of Edward R. Murrow in the dark days of World War II was as familiar to Americans as those of our own families. Later, following the cessation of this worldwide struggle for peace, the face of Edward R. Murrow became familiar to all of us.

His death yesterday leaves a void that may never be filled, for he personally created a new dimension in journalism and perfected his craft as no other had done before. His death was a personal loss that will be felt the world over, but the depth of sadness will be even deeper in North Carolina—his birthplace. Edward R. Murrow was born 12 miles south of my home in Greensboro, N.C. From his place of birth on Polecat Creek in Guilford County, Mr. Murrow rose to become familiar to all who seek the truth.

We share the grief of his family and relatives, many of whom still reside in Guilford County—my home county, and I am certain that every Member of this 89th Congress joins me in expressing to them our great sense of loss. Our despair, however, is salved by the knowledge that he contributed so much to one of the principles inherent in the formation of this Government. It is such people as Edward R. Murrow that give meaning to "freedom of speech." It can truly be said of him, "Well done, thy good and faithful servant."

Mr. Speaker, I ask unanimous consent that all Members have permission to extend their remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, my life was enriched by the warm and strengthening friendship of Edward R. Murrow, and when the tape on yesterday

MINEOLA, N.Y.,
March 15, 1965.

HON. JAMES ROOSEVELT,
Old House Office Building,
Washington, D.C.:

We wish to offer our support for your forthcoming bill designed to correct some of the economic problems created by dual distribution. We as a small independent aluminum extruder have a vital interest in the success of legislation. The independent extruder is the victim of a price squeeze exerted by the large integrated primary aluminum producers who effectively control the domestic price of our raw materials and at the same time compete with us when selling the end product in the marketplace. The spread between the raw materials and the finished product as established by the integrated prime aluminum producers does not provide a sufficient profit margin for survival.

U.S. EXTRUSIONS CORP.,
ARMAND M. KNOFF.

WASHINGTON, D.C.,
March 12, 1965.

Congressman JAMES ROOSEVELT,
House Office Building,
Washington, D.C.:

The candy wholesaling industry and our membership of approximately 1,000 wholesalers is indebted to you and Subcommittee No. 4 of the House Small Business Committee for your thorough investigation of the dual distribution practices in the confectionery and other fields and we shall await with interest your legislative proposals to remedy the faults of this system of distribution, particularly in the area of price differentials where businesses compete with their customers in the market place.

C. M. McMILLAN,
Executive Secretary, National Candy
Wholesalers Association, Inc.

DUNDALK, MD.,
March 10, 1965.

HON. JAMES ROOSEVELT,
House of Representatives,
Washington, D.C.:

Your committee's vigorous action against dual distribution policies as practiced by integrated steel mills among others receives our unequivocal and appreciative support. Our company one of many independent wire and steel fabricators who make up small but important segment of small business now at mercy of administered pricing policies of big steel oligopoly.

H. C. YOUNGEN,
President, National Wire Products Corp.

HOUSTON, TEX., March 11, 1965.
Representative JAMES ROOSEVELT,
House Office Building,
Washington, D.C.:

We strongly support the legislation you intend to introduce requiring the major integrated mills to maintain a price spread between their selling price of raw material and the finished product. We are constantly faced with the situation of being offered raw material from the major mills at a price just below the price at which they are selling the finished product which both they and we manufacture from the raw material. The situation has been worsening over the years and the small independent mills are being slowly squeezed out of business. We sincerely appreciate your support.

H. M. CRAFT,
Vice President, Texas Steel Fabrics, Inc.

Mr. KLUCZYNSKI. Mr. Speaker, during the 88th Congress, it was my pleasure to serve as a member of the Subcommittee on Distribution of the House Small Business Committee. This subcommittee, which was ably served by my friend and colleague, the Honorable

JAMES ROOSEVELT, received testimony from small business representatives from over 40 industries.

The record so compiled clearly established that dual distribution in many instances presents problems of a most serious nature to many small businessmen throughout the Nation. In my opinion, it is of the utmost importance that equal opportunity to compete be assured small businessmen confronted with price squeezes and other byproducts of dual distribution.

It is my hope that the bills introduced on this subject by Congressman ROOSEVELT will receive an early hearing and that this body will have an opportunity to favorably vote upon them. Congressman ROOSEVELT is to be commended for the diligence which he has shown in exploring these dual distributive problems and for placing these possible solutions before us for our consideration.

Mr. STEED. Mr. Speaker, as a Member during the 88th Congress and of the Subcommittee on Distribution of the House Small Business Committee, I know from hearing the testimony of witnesses from a great number of industries, the importance of finding a workable solution to the problems posed to small business by dual distribution. These hearings covered over 40 industries. As a result of the testimony and evidence received, I am convinced that in many instances dual distribution has had a most serious impact upon the small business sector of our economy.

The bills introduced by my distinguished colleague, the Honorable JAMES ROOSEVELT, deserve an early hearing and the most serious consideration by this body. Congressman ROOSEVELT is to be commended for the considerable time and effort which he has expended in investigating dual distribution problems in placing these bills which represent possible solutions before us.

(Mr. LAIRD (at the request of Mr. BROYHILL of North Carolina) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. LAIRD'S remarks will appear hereafter in the Appendix.]

A BOON TO INDUSTRY: A STATE TECHNICAL SERVICES ACT OF 1965

(Mr. CONTE (at the request of Mr. BROYHILL of North Carolina) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CONTE. Mr. Speaker, earlier this year I introduced legislation which would promote progress and scholarship in the humanities and the arts through the establishment of a National Humanities Foundation. I would now like to call the attention of my colleagues to a bill that I have introduced today which would promote the economic growth of this Nation, and Massachusetts, by supporting State and regional centers under a State Technical Services Act. These centers would place the findings of science and technology usefully in the

hands of American businessmen, particularly small businessmen who are often unable to meet the pressing problems which they face because of a lack of funds, or simply because they do not know where to turn. My bill is identical to one introduced earlier this year by my colleague, the Member from Arkansas [Mr. HARRIS].

It is axiomatic that wider diffusion and more effective application of science and technology in industry and business is essential to the growth of the American economy and that of the several States. It is necessary if we are to maintain and increase present levels of employment. It is necessary if we are to successfully compete for world markets. And the time has come when it is necessary that the benefits of federally financed research, as well as other financed research, be placed effectively in the hands of American businessmen and American enterprises. To insure the most effective operation of this plan, and the most effective diffusion of this research and knowledge, it is imperative that this plan be one which is developed on a State or regional level. The States, through cooperation with their universities, communities, and industries, can best determine the needs of their industries and how the modern developments in science and technology can be most effectively applied to meet the needs of both new and old industries, to meet the needs of both large and small industries.

Mr. Speaker, in the Commonwealth of Massachusetts alone there are approximately 8,800 small industries, and I am happy to say that most of them are profitable. In this group, business is good and increasing. Profit is fine, cash flow excellent, and their aggressive managements believe that they can meet and master the competitive situation, and that the plant has kept pace with the technical improvements in machines, processes, and materials.

However, Mr. Speaker, I have personally observed the death of many firms in my district and in my State. A textile firm, successful for 50 years was forced to close its doors. A papermill was also forced to shut down its operations. I believe that if technical help had been available to these firms of the nature envisioned under the provisions of my bill, the story would have been different and the loss to the community and the families living in them could have been avoided. I am certain that many of you have also seen similar closing and similar losses suffered in your districts and in your States.

Essentially, under the provisions of this bill, an institution within a State or region would prepare a 5-year program outlining the economic and technological situation in the State or region, the State's industrial problems, and the means that could be used to solve them. The designated institution would also prepare an annual technical services program covering the objectives for the first year, and also prepare a budget. Up to \$25,000 per year for each of the first 3 years may be paid to the designated institution to assist it in preparing the first 5-year plan and the initial annual program. The maximum annual payment

for any program will be limited by a formula to be established by the Secretary of Commerce under three criteria: first, population according to the last census; second, industrial and economic development and productive efficiency; and third, technical resources. The formula to be used would be weighted to provide funds to States where there has been a lag in industrial development, or where technical resources are weak.

One of the most important provisions of the bill is that one which provides that the program would be planned locally and administered locally where the problems of economic growth and development are best realized and best met.

Once in operation, there are a great variety of technical services that might be offered by the institutions participating in the program. To give you an example, a technology diffusion program oriented to the needs and problems of a specific industry might offer workshops, seminars, and demonstrations in order to bring existing technology within the State and to the business leaders of the State.

Another service that might be provided could be a technology dissemination and referral center which could offer two types of services; one, technical reports, abstracts, bibliographies, reviews, microfilm, computer tapes, and similar services; and the second, referral to sources of scientific and engineering expertise in the fields of interest to the local industries. Such a center would be in continuous interaction with local business and industry so that its services would be pertinent to the needs of the local economy.

Another attractive feature of this bill is its low cost to the taxpayer. We have, in recent weeks, seen the passage of bills designed to promote economic growth that will cost billions of dollars. Here is one which would greatly aid local industries and economies, not through Federal intervention in local affairs, but through the utilization of State institutions, and which would cost far less than any economic expansion program passed this session of the Congress. The estimated cost during the first year is between \$5 and \$10 million. And it is to be remembered that these funds would be an investment in promoting the economic growth and industrial development of the entire Nation, not just one region or area.

Therefore, I urge that the support of all the Members of this House, both Republican and Democrat, be given to this legislation which would accomplish so much for local industries, at a local level.

(Mr. CONTE (at the request of Mr. BROYHILL of North Carolina) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. CONTE'S remarks will appear hereafter in the Appendix.]

TANZANIA'S FIRST ANNIVERSARY

(Mr. CEDERBERG (at the request of Mr. BROYHILL of North Carolina) was

granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CEDERBERG. Mr. Speaker, April 26 marked the first anniversary of the establishment of the United Republic of Tanzania. I wish to extend my congratulations to that rising young African nation, to its President, Mwalimu Julius K. Nyerere, and to the people of Tanzania.

One year ago, the two new nations of Tanganyika and Zanzibar embarked upon the enormous project of combining their two countries into a single nation. Tanzania is rich in resources with which to build their new nation: a vigorous people, a society deeply imbedded with important values and traditions, mineral and agricultural resources with developmental potential and excellent tourist possibilities. With these endowments, Tanzanians have begun working out for themselves the physical, political, and cultural foundations for their new nation. They, and they alone, have the heavy responsibility for deciding their real future.

I join with my fellow Americans in expressing our friendship for the peoples of Tanzania as they strive to create a unified and prosperous nation.

(Mr. CLEVELAND (at the request of Mr. BROYHILL of North Carolina) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. CLEVELAND'S remarks will appear hereafter in the Appendix.]

FEDERAL WATER QUALITY ACT OF 1965

(Mr. TUPPER (at the request of Mr. BROYHILL of North Carolina) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TUPPER. Mr. Speaker, the Congress today has the opportunity to make a splendid addition to the RECORD of the 88th and 89th Congresses by passing the Federal Water Quality Act of 1965. The Congressman from Minnesota [Mr. BLATNIK] deserves our greatest thanks for the untiring and able manner in which he had led the fight for the protection and restoration of the country's waters.

As a former conservation official in my own State of Maine, I fully realize the problems and potential threats that polluted water present.

Maine is a traditional vacation area and has had to deal swiftly with threats to her water resources and only prompt local action has deterred catastrophic conditions.

This problem has become too great and too urgent to have stopgap programs and emergency measures enacted by individual States.

One provision missing from the bill that we shall vote on today, is of the utmost importance—the development of Federal standards for water quality.

One of the problems in fighting pollution, one which I have heard both local

and Federal officials complain of, is not knowing where to begin. Do you start trying to clean up the dirtiest streams first, fearing that when you have finished, the rivers that used to be clean will have become degraded? Or do you start with the easier tasks, the rivers that are only slightly less than pure, and allow the rankest rivers to remain eyesores?

Another problem encountered in conducting a pollution control program is that once industries and municipalities have been allowed to start discharging wastes into streams, it is very difficult to make them stop. To build a waste disposal system into an old plant is expensive, much more so than if it had been designed into the plant in the first place. On the other hand, as long as older industries are permitted to discharge untreated wastes, newer plants will not see the justice in their being required to install waste treatment.

Systems of standards for water quality are designed to answer problems like these. Properly administered standards could be, as President Johnson suggested in his message on conservation, used to protect clean water, to abate pollution before it happens. Standards would be invaluable in creating comprehensive plans for pollution abatement and guaranteeing that they would be administered fairly. Perhaps most important, such standards could and would serve as incentives to the States and localities to supply their own high standards for clean water.

We take so many different kinds of standards for granted in our daily life that it is hard to understand why we have none yet for water. We have standards for foods, for meat, for drugs, for advertising, for utilities, for pesticides, for working conditions. In general, Americans welcome the use of quality standards to protect the consumer from dangerous or inferior goods. Yet stream pollution is growing daily, depriving American consumers of many favorite recreations and water sports, depriving fish of their habitat, threatening our drinking water supplies, and, in many cases, creating outright health hazards.

There is little time left for lengthy jurisdictional debates if we are going to save these waters. A peculiar characteristic of rivers and lakes is that they do not respect jurisdiction. Water flows, and with it goes its waste load, and State boundaries affect the flow of a river surprisingly little. A factory or a town may own the land alongside the river, and contain all its buildings and population within the land it owns, but if it discharges waste into the river, it is trespassing. Its wastes will inevitably be carried to its downstream neighbors, and to their neighbors, and so on. Where rivers are concerned, it is certain that no man is an island.

Attempts to establish standards at a State or local level have been helpful, but on the whole have not succeeded in cleaning up our major rivers, most of which are interstate. Interstate compacts, intended to deal with just such problems, are usually without the legal authority or the immunity from pressure needed to

set firm standards and enforce them. The progress that has been made in cleaning up pollution—such as on the Columbia and Potomac, where bacterial contamination at least has been controlled, or in the Colorado River Basin, where dangerous radioactivity has been ended, or in the Menominee River, where pulp and paper discharges will soon be treated, or in the lower Mississippi, where one important source of pesticide discharges has been reduced—has been primarily due to Federal pressure. Under the present procedures of the Federal Water Pollution Control Act, this pressure is limited to those cases in which an enforcement action is initiated.

The Federal program would be much improved if, without going so far as to initiate enforcement proceedings, the Secretary of Health, Education, and Welfare, consulting and cooperating with the State and local officials and interested parties, could promulgate standards for the upgrading of water quality. A standard-setting procedure would enable the Department to take action not only on severely polluted rivers, but on clean rivers threatened with pollution from new industries or towns, on small rivers that could not claim the extended attention required by an enforcement case, and on special problems, in which one type of pollutant requiring only limited remedial action is the problem. Discharges in violation of the standards would be subject to enforcement actions under regular procedures of the Federal Water Pollution Control Act.

According to the Department of Health, Education, and Welfare there are approximately 200 interstate streams which already have some pollution problems. No matter what the increased pace and staffing of the Federal pollution control program, there will be no time for enforcement action on all of these in the near future. Lacking any other course, must the Department wait for their turn to come up 20 years hence, by which time mild pollution problems will have become severe and severe ones irremediable?

Water pollution is too big a problem to be solved by taking only one case at a time and relying on only one method. With the authority to set water quality standards I believe that the Department of Health, Education, and Welfare could begin now a much more flexible, inclusive, and rapid program of pollution control. It would be a program more helpful to the States than the present reliance entirely on enforcement action, and it would be a program designed to deal specifically with the particular problems of each region, basin, and river as effectively as possible. For these reasons it is my hope that the Federal Water Quality Act of 1965 will include a strong provision for water quality standards.

COMMUNISTS IN CIVIL RIGHTS MOVEMENT

(Mr. EDWARDS of Alabama (at the request of Mr. BROYHILL of North Carolina) was granted permission to extend

his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS. Mr. Speaker, I am continuing my effort to point out the active participation of Communists in the civil rights movement and in all other areas where they can stir up trouble. One of the primary targets seems to be the college campus. It is impossible to carry on a responsible college program with continuous strife created by those who are not interested in legitimate goals, but only in destroying the fiber of this Nation. The New York Times of April 28, 1965, reports on the problem presently involving Howard University here in Washington, D.C. Dr. James M. Nabrit, Jr., president of Howard University, has forthrightly spoken out on this subject. Under unanimous consent, I include at the end of my remarks the story as it appears in the New York Times:

HEAD OF HOWARD UNIVERSITY WARNS COMMUNISTS

(By Ben A. Franklin)

WASHINGTON, April 27.—Dr. James M. Nabrit, Jr., president of Howard University, said today that Communists had joined a student protest group on the campus of the predominantly Negro college here in an effort to "disrupt our fight for justice."

He said that in the interests of freedom of speech and academic freedom they would be tolerated as long as they do not break the rules.

But he was plainly issuing a warning to civil rights groups on the campus that radicals of the extreme left were seeking to cloak themselves in the mantle of civil rights and plot and plan in secret to disrupt our fight for justice and full citizenship.

Many students and faculty members at Howard have been leaders in national civil rights organizations. The university has 7,800 students and is the largest predominantly Negro campus in the country.

In a statement read to a student assembly and later at a news conference, Dr. Nabrit said, "We must beware of people who come to us like Greeks bearing gifts. They do not care about the Negro people. They do not love Howard. They do not believe in civil rights for anyone."

"They thrive on dissension," he continued. "They create mythical evils and invent issues but do not want solutions to problems. They are children of lawlessness and disciples of destruction. They must be unmasked for the frauds they are. They must be fought in every arena and they must not be permitted to prevail."

The 64-year-old Negro lawyer and educator told reporters that a handful of students and outsiders had given evidence of a lack of respect for duly constituted authority and growing signs of open defiance of law and order.

He said he would not interfere with peaceful picketing or with demonstrations against administration decisions that did not interfere with normal operations of the university.

He declared that students must realize, however, that the responsibility for determination of university policy rests with the faculties, administration, and board of trustees.

He said he was giving notice that interference with classes, with passage, with entrance or use of any facilities will be dealt with promptly and firmly.

Dr. Nabrit's statement was approved by the university's board of trustees at a meeting this morning.

The need for it arose, he said, because a campus group called Students for Academic Freedom had been showing increasing mili-

tancy in demonstrations against alleged infringement of the academic freedom of students and faculty, against compulsory student participation in the Reserve Officers Training Corps and against university rules concerning the attire of students.

He said the student group had made "contrived and false" statements.

Dr. Nabrit said, "I know there are at least two Communists here because I saw them last Friday, handing out leaflets and stickers at a demonstration."

Asked how he could identify the two as Communists, the former law school dean said: "I know them, I defended one of them myself as an attorney." He emphasized that he was not saying that this student group is organized by Communists.

"I cannot document it," he told reporters, "but I think that in the incidents at Berkeley these people established a beachhead."

"Now they want to do it here in the East. And they have picked Howard because it is an institution predominantly for Negroes. They want to cloak it in the mantle of civil rights."

Student demonstrations at the University of California's Berkeley campus last year led to nearly 800 arrests.

(Mr. SKUBITZ (at the request of Mr. BROYHILL of North Carolina) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. SKUBITZ' remarks will appear hereafter in the Appendix.]

(Mrs. DWYER (at the request of Mr. BROYHILL of North Carolina) was granted permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

[Mrs. DWYER'S remarks will appear hereafter in the Appendix.]

(Mrs. DWYER (at the request of Mr. BROYHILL of North Carolina) was granted permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

[Mrs. DWYER'S remarks will appear hereafter in the Appendix.]

CONGRESSMAN CURTIS CALLS FOR NEW EFFORTS IN INTERNATIONAL MONETARY FIELD

(Mr. WIDNALL (at the request of Mr. BROYHILL of North Carolina) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, in light of the passage yesterday of the new authorization for the International Monetary Fund participation by the United States, I think it very timely to call attention to an excellent letter, appearing in the April 15, 1965, edition of the New York Times, by my friend and colleague, the gentleman from Missouri, Congressman THOMAS B. CURTIS.

As the gentleman from Missouri [Mr. CURTIS] points out, the temporary relief through voluntary capital controls has begun to demonstrate the possibility of a problem in international liquidity as our deficits cease to supply the new liquidity necessary for sustained world

economic growth. With remarkable foresight, he suggests that the visit by England's Prime Minister Harold Wilson could be used as a starting point to the necessary dialog among free world nations. Newspaper reports following Mr. Wilson's subsequent visit indicate that the President and the Prime Minister reasoned together on this area of concern.

What is needed now is the continuation of this dialog on a broader scale. Members from both sides of the aisle expressed their concern yesterday over our continuing payments problem and the problems of the international monetary system. I would suggest that an effective way to implement this concern would be for Congress to consider and act favorably upon the resolutions introduced by minority members of the Joint Economic Committee, including Congressman CURTIS and myself, and Senator JAVITS of New York, which would request an international conference on these problems. In his letter, Congressman CURTIS has outlined both the need for and the purpose of this monetary conference.

The letter to the New York Times follows:

TOWARD A STRONG WORLD MONETARY SYSTEM
TO THE EDITOR:

Evidence is accumulating that the administration's voluntary controls on U.S. foreign loans and investments have tightened European capital supplies. A Times correspondent in Europe recently pointed out that the program "is working in the direction intended. It is greatly reducing and perhaps temporarily drying up, the flow of dollars to Europe."

Further evidence is the quieting of European bankers' demands that the United States raise its interest rates to curb the dollar outflow. These sentiments had been informally expressed as recently as March at the American Bankers Association international monetary conference.

The broad significance of the tightening of credit in European capital markets is its meaning for the international monetary system. Europeans have begun to experience the effects of our balance-of-payments deficits, as these deficits cease to supply the new liquidity that steady growth in world trade and payments demands.

Therefore, while the administration's controls over capital are clearly harmful to long-run U.S. interests, they may serve the short-run purpose of dramatically demonstrating the need for reform of the world monetary system, perhaps helping to break the inertia that has too long characterized the attitude both of key European governments and of our own.

FOR DECISIVE ACTION

The Republican members of the Joint Economic Committee unanimously stated in their recent views on the 1965 economic report of the President and the Council of Economic Advisers that "reform of the existing international monetary system is urgently needed." We felt that "because liquidity for the existing system is largely supplied by U.S. balance-of-payments deficits, the system could break down when the United States finally eliminates its chronic deficit." The time for decisive action is now at hand. It should not await the final solution to our balance-of-payments problem.

Leadership of the kind required is not to be gained by mere tinkering with the present system, however valuable it has proved itself in the past. The resolution to increase the International Monetary Fund quotas ap-

proved in March by the IMF executive directors make modest innovations in the ways gold will be used to back new quotas. One wonders with the London Economist whether this will be the last increase in fund resources made under the present largely anachronistic accounting mechanism, which works reasonably enough when the dollar and sterling happen to be strong but in present circumstances makes the Fund heavily dependent on bilateral credits agreed through the Paris Club.

Many international economists will argue that international liquidity is now great enough to continue for several years to serve the requirements of world trade. Others, such as Dr. Walter Salant, of the Brookings Institution, feel that recent developments are already bringing the liquidity problem to a head.

TO CONVOKE CONFERENCE

Concurrent resolutions introduced in both the Senate and House, and sponsored by Republican members of the Joint Economic Committee, request the Executive to convoke a well-planned international conference to find solutions to the weaknesses of the world monetary system.

Such a conference would consider the correct role for the IMF or other appropriate international organizations in the management of international credit, would consider how to supply credit to deficit countries in time to correct threatening imbalances and how to increase the availability of long-term, low-cost credit to developing nations.

U.S. leadership in creating a suitable world monetary system is long overdue. The President must provide that leadership now. Prime Minister Harold Wilson's visit to the United States provides a unique opportunity to demonstrate that leadership.

THOMAS B. CURTIS,
Member of Congress,
Second District, Missouri.

WASHINGTON, April 12, 1965.

THE MERAMEC BASIN—THE NEED FOR ACTION

(Mr. CURTIS (at the request of Mr. BROYHILL of North Carolina) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CURTIS. Mr. Speaker, the city of St. Louis has made significant progress during the last decade in solving some of the major problems that were hindering its development. The result has been a revitalization of the metropolitan area. The spirit of rebirth is portrayed graphically in the construction of the new stainless steel arch now being erected on the riverfront. This structure symbolizes the city as "The Gateway to the West."

Despite the meritorious progress in most areas, there is one area in which progress has not been made. Today the St. Louis area is more remote from waters suitable for recreational use than almost any other major city in the United States. This situation is a serious drawback in the city's efforts to attract new industry. St. Louis has not remained complacent over this problem. Local groups, in conjunction with the State and Federal Governments, have joined to produce a solution and to provide the citizens of St. Louis and southern Missouri and Illinois with adequate water recreational facilities. A plan has been made to develop the Meramec River Basin for such use. The basin extends from St. Louis

into the Ozark Mountains for approximately a hundred miles. The river flows through some of the most scenic, most rugged, and least populated areas in the eastern United States. The plan provides for the construction of 31 dams to create lakes with a shoreline approaching 800 miles—adequate room for fishing, water skiing, and boating activities. The Meramec River Basin Project will also be useful for flood control and soil conservation as well as improve quality of water available for drinking purposes.

There are three distinct phases to the design of this project, the first to be completed within 15 years after the starting date of 1967. The cost of the project is too great to be assumed entirely by local and State resources; therefore, Federal assistance is needed. The Corps of Engineers has recommended \$236,228,000 to develop the basin. The Federal funds used by the project would be paid back over a period of years at a moderate rate of interest. The Corps of Engineers, in recommending the above sum, has determined that favorable cost-benefit ratios exist on the various projects making up the entire Meramec River Basin program.

One of the main advantages of the Meramec Basin project as I pointed out before, is its proximity to the St. Louis area. Since it is so close it will be used by more people. As we progress through the next few decades it appears that the number of man-hours worked by the average individual will decrease but that the amount of spendable income and time for travel and leisure available to the individual will go up, therefore, as time goes on, the project will most likely be used by increasing numbers of people for increasing periods of time. A report written by Washington University of St. Louis has estimated that up to 35 million visitor-days could be spent in the project areas. Certainly the use of the facilities of the Meramec River Basin project by this many people would be a tremendous stimulus to the economy of the people of southern and eastern Missouri.

This project involves the combined efforts of all levels of government as well as the efforts of many private citizens and groups. Local people will be especially concerned with zoning and access regulations to prevent shoddy development and to keep the area open to as many people as possible. This is a project for the benefit of the entire American public, not just to promote the interests of a few selfish individuals.

Mr. Speaker, I have been disturbed to learn that the Army Engineers will not have the Meramec Basin report forwarded from the St. Louis office until June 1965.

As I understand it, the procedure being followed by the Engineers will almost certainly prevent the report from being included this year in an omnibus bill for authorization. This also means, apparently, that we will have lost 2 years—presuming that the usual procedure is followed, and that there will be no omnibus bill until 1967.

Because of the urgency of the problem to the people of the Metropolitan St. Louis area, I would like to call to the

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measure will now be sent to the President. The House Appropriations Committee had reported the measure earlier (H. Rept. 689) (p. 17989). Sen. Hayden stated that the "resolution simply extends from July 31 to August 31 existing provisions of law to provide funds for the operation of those agencies for which the regular appropriation bills for the fiscal year 1966 have not yet been enacted" (p. 17804).

13. HEALTH. By a vote of 70 to 24, agreed to the conference report on H. R. 6675, to provide a hospital insurance program for the aged under the Social Security Act with a supplementary health benefits program and an expanded program of medical assistance, to increase benefits under the Old-Age, Survivors, and Disability Insurance System, etc. This bill will now be sent to the President. pp. 17803-4, 17805-12, 17813-23
14. LANDS. Passed as reported S. 625, to permit the sale to landowners who have fenced in, or utilized with their own lands, adjacent tracts of public domain lands. p. 17843
15. FAMILY FARMER. Sen. Mondale expressed concern over the "plight" of the family farmer and inserted several letters which he stated was "a representative sampling of small town interest in the vitality of the American family farm." pp. 17866-8
16. WATER RESOURCES. Sen. Jackson inserted a letter from Secretary of the Interior Udall reviewing research recently conducted by American geologists in foreign countries on soil erosion and water shortage problems. pp. 17870-1
Sen. Holland inserted the report of the National Rivers and Harbors Congress on the development of our river systems, including a recommendation for a study of the possibility of breeding agricultural plant life capable of taking its water supply from sea water. pp. 17871-2
17. POVERTY. Sen. McNamara inserted Vice President Humphrey's recent speech reviewing the purposes and accomplishments of the poverty program. pp. 17872-4
18. WATER POLLUTION. Conferees were appointed on S. 4, the proposed Water Quality Act of 1965 (pp. 17841-3). House conferees have not yet been appointed.
19. PERSONNEL; TRANSPORTATION. Sen. Brewster criticized a suggestion by Najeeb Halaby, former Administrator of the Federal Aviation Agency, "that Federal Government employees use only Dulles or Washington National Airport for air travel." p. 17868
20. STOCKPILING. Received the report of the Joint Committee on Reduction of Nonessential Federal Expenditures on Federal stockpile inventories as of May 1965, including CCC commodity inventories. pp. 17824-32

ITEMS IN APPENDIX

21. SUGAR. Rep. Dent inserted an article discussing U. S. importation of Latin American sugar and opposing the proposed sugar import fee. pp. A4154-55.
22. POVERTY. Extension of remarks of Rep. Quie using charts listing salaries of consultants and experts employed by the Office of Economic Opportunity to show that the wage level "does not indicate any great degree of sacrifice." pp. A4157-61

Extension of remarks of Rep. Ayres expressing dissatisfaction that Republican-proposed amendments to the extension of the Antipoverty Act were "completely overridden" and inserting an article on the subject. pp. A4165.

23. VOTING RECORD. Extension of remarks of Rep. Cameron discussing his reasons for voting in favor of the Housing and Urban Development Act, the Economic Opportunity Act and voting against the Cigarette Labeling and Advertising Act. pp. A4165-7
24. WATER. Extension of remarks of Rep. Callan commending and inserting an article commenting on the need for water conservation. p. A4169
25. FARM PROGRAM. Extension of remarks of Rep. Findley inserting a letter from a constituent farmer opposing H. R. 9811, the omnibus farm bill. p. A4173
26. LIVESTOCK. Rep. Long (Md.) inserted an article, "Woodbine [Md.] Cow is Notable Producer." pp. A4175-6.

BILLS INTRODUCED

27. PERSONNEL. H. R. 10147 by Rep. Udall, and H. R. 10148 by Rep. Olsen, Mont., to adjust the rates of basic compensation of certain officers and employees in the Federal Government, to establish the Federal Salary Review Commission; to Post Office and Civil Service Committee.
S. 2340 by Sen. Ervin, to amend titles 10 and 14, United States Code, and the Military Personnel and Civilian Employees' Claims Act of 1964, with respect to the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service; to Judiciary Committee. Remarks of author pp. 17839-40
28. RESEARCH; WEATHER. H. R. 10136 by Rep. Rivers, Alaska, and H. R. 10138 by Rep. Thompson, Texas, to coordinate and consolidate the major civilian marine and atmospheric functions of the Federal Government through the establishment of a Department of Marine and Atmospheric Affairs; etc.; to Government Operations Committee.
29. FOREIGN TRADE. H. R. 10135 by Rep. Fogarty, to amend the Trade Expansion Act of 1962; to Ways and Means Committee. Remarks of author pp. 17987-8
30. DROUGHT RELIEF. H. R. 10145 by Rep. Resnick, to authorize the Secretary of Agriculture to conduct programs to reduce the impact of droughts on rural residents, small municipalities, agriculture and livestock enterprises; to Agriculture Committee.
31. FARM PROGRAM. H. Res. 490 by Rep. Cooley, providing for the consideration of the bill (H. R. 9811) to maintain farm income, to stabilize prices and assure adequate supplies of agricultural commodities, to reduce surpluses, lower Government costs and promote foreign trade, to afford greater economic opportunity in rural areas; to Rules Committee.

BILLS APPROVED BY THE PRESIDENT

32. CIGARETTE LABELING. S. 559, to regulate the labeling of cigarettes. Approved July 27, 1965 (Public Law 89-92).

munity health services, and for other purposes;

S. 1321. An act to amend section 501(e) of title 16 of the District of Columbia Code relating to bond requirements in connection with attachment before judgment; and

S.J. Res. 83. Joint resolution to authorize the President to issue a proclamation commemorating the 175th anniversary, on August 4, 1965, of the founding of the U.S. Coast Guard at Newburyport, Mass.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Appendix, as follows:

By Mr. THURMOND:

Editorial entitled "The Righters Read Records," published in the News of Lynchburg, Va., on July 8, 1965.

By Mr. SCOTT:

Article published in the Washington Post on July 18, 1965, written by Chalmers M. Roberts entitled, "The World Still Ought To Like Ike."

Article published in the summer issue of 1965 of Prevent World War III, entitled "Preserving Peace in the Middle East."

Article on civil rights, written by Mr. Roy Wilkins, and published in the July 21, 1965 issue of the Philadelphia Evening Bulletin.

Excerpts from remarks on economic progress in Pennsylvania, by Pennsylvania Secretary of Commerce John K. Tabor to Johnstown industrial leaders on July 22.

By Mr. SIMPSON:

Article entitled "Nobody Can Pay Bills With Bottle Caps," written by Felix Morley, and published in the magazine Nation's Business for July 1965.

AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 4) to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes, which were, to strike out all after the enacting clause and insert:

That (a)(1) section 1 of the Federal Water Pollution Control Act (33 U.S.C. 466) is amended by inserting after the words "SECTION 1." a new subsection (a) as follows:

"(a) The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution."

(2) Such section is further amended by redesignating subsections (a) and (b) thereof as (b) and (c), respectively.

(3) Subsection (b) of such section (as redesignated by paragraph (2) of this subsection) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: "The Secretary of Health, Education, and Welfare (hereinafter in this Act called 'Secretary') shall administer this Act through the Administration created by section 2 of this Act,

and with the assistance of an Assistant Secretary of Health, Education, and Welfare designated by him, shall supervise and direct (1) the head of such Administration in administering this Act and (2) the administration of all other functions of the Department of Health, Education, and Welfare related to water pollution. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe."

(b) Section 2 of Reorganization Plan Numbered 1 of 1953, as made effective April 1, 1953, by Public Law 83-13, is amended by striking out "two" and inserting in lieu thereof "three"; and paragraph (17) of subsection (d) of section 303 of the Federal Executive Salary Act of 1964 is amended by striking out "(2)" and inserting in lieu thereof "(3)".

SEC. 2. (a) Such Act is further amended by redesignating sections 2 through 4, and references thereto, as sections 3 through 5, respectively, sections 5 through 14, as sections 7 through 16, respectively, by inserting after section 1 the following new section:

"FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

"SEC. 2. Effective ninety days after the date of enactment of this section there is created within the Department of Health, Education, and Welfare a Federal Water Pollution Control Administration (hereinafter in this Act referred to as the 'Administration'). The head of the Administration shall be appointed, and his compensation fixed by the Secretary. The head of the Administration may, in addition to regular staff of the Administration, which shall be initially provided from the personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions; and he may delegate any of his functions to, or otherwise authorize their performance by, any officer or employee of, or assigned or detailed to, the Administration."

(b) Subject to such requirements as the Civil Service Commission may prescribe, any commissioned officer of the Public Health Service who, on the day before the effective date of the establishment of the Federal Water Pollution Control Administration, was as such officer, performing functions relating to the Federal Water Pollution Control Act may acquire competitive civil service status and be transferred to a classified position in the Administration if he so transfers within six months (or such further period as the Secretary of Health, Education, and Welfare may find necessary in individual cases) after such effective date. No commissioned officer of the Public Health Service may be transferred to the Administration under this section if he does not consent to such transfer. As used in this section, the term "transferring officer" means an officer transferred in accordance with this subsection.

(c) (1) The Secretary shall deposit in the Treasury of the United States to the credit of the civil service retirement and disability fund, on behalf of and to the credit of each transferring officer, an amount equal to that which such individual would be required to deposit in such fund to cover the years of service credited to him for purposes of his retirement as a commissioned officer of the Public Health Service to the date of his transfer as provided in subsection (b), but only to the extent that such service is otherwise creditable under the Civil Service Retirement Act. The amount so required to be deposited with respect to any transferring officer shall be computed on the basis of the sum of his basic pay, allowance for quarters, and allowance for subsistence and, in the case of a medical officer, his special pay,

during the years of service so creditable, including all such years after June 30, 1960.

(2) The deposits which the Secretary of Health, Education, and Welfare is required to make under this subsection with respect to any transferring officer shall be made within two years after the date of his transfer as provided in subsection (b), and the amounts due under this subsection shall include interest computed from the period of service credited to the date of payment in accordance with section 4(e) of the Civil Service Retirement Act (5 U.S.C. 2254(e)).

(d) All past service of a transferring officer as a commissioned officer of the Public Health Service shall be considered as civilian service for all purposes under the Civil Service Retirement Act, effective as of the date any such transferring officer acquires civil service status as an employee of the Federal Water Pollution Control Administration; however, no transferring officer may become entitled to benefits under both the Civil Service Retirement Act and title II of the Social Security Act based on service as such a commissioned officer performed after 1956, but the individual (or his survivors) may irrevocably elect to waive benefit credit for the service under one Act to secure credit under the other.

(e) A transferring officer on whose behalf a deposit is required to be made by subsection (c) and who, after transfer to a classified position in the Federal Water Pollution Control Administration under subsection (b), is separated from Federal service or transfers to a position not covered by the Civil Service Retirement Act, shall not be entitled, nor shall his survivors be entitled, to a refund of any amount deposited on his behalf in accordance with this section. In the event he transfers, after transfer under subsection (b), to a position covered by another Government staff retirement system under which credit is allowable for service with respect to which a deposit is required under subsection (c), no credit shall be allowed under the Civil Service Retirement Act with respect to such service.

(f) Each transferring officer who prior to January 1, 1957, was insured pursuant to the Federal Employees' Group Life Insurance Act of 1954, and who subsequently waived such insurance, shall be entitled to become insured under such Act upon his transfer to the Federal Water Pollution Control Administration regardless of age and insurability.

(g) Any commissioned officer of the Public Health Service who, pursuant to subsection (b) of this section, is transferred to a position in the Federal Water Pollution Control Administration which is subject to the Classification Act of 1949, as amended, shall receive a salary rate of the General Schedule grade of such position which is nearest to but not less than the sum of (1) basic pay, quarters and subsistence allowances, and, in the case of a medical officer, special pay, to which he was entitled as a commissioned officer of the Public Health Service on the day immediately preceding his transfer, and (2) an amount equal to the equalization factor (as defined in this subsection); but in no event shall the rate so established exceed the maximum rate of such grade. As used in this section, the term "equalization factor" means an amount determined by the Secretary to be equal to the sum of (A) 6½ per centum of such basic pay and (B) the amount of Federal income tax which the transferring officer, had he remained a commissioned officer, would have been required to pay on such allowances for quarters and subsistence for the taxable year then current if they had not been tax free.

(h) A transferring officer who has had one or more years of commissioned service in the Public Health Service immediately prior to his transfer under subsection (b) shall, on the date of such transfer, be credited with thirteen days of sick leave.

(i) Notwithstanding the provisions of any other law, any commissioned officer of the United States Public Health Service with twenty-five or more years of service who has held the temporary rank of Assistant Surgeon General in the Division of Water Supply and Pollution Control of the United States Public Health Service for three or more years and whose position and duties are affected by this Act, may, with the approval of the President, voluntarily retire from the United States Public Health Service with the same retirement benefits that would accrue to him if he had held the rank of Assistant Surgeon General for a period of four years or more if he so retires within ninety days of the date of the establishment of the Federal Water Pollution Control Administration.

(j) Nothing contained in this section shall be construed to restrict or in any way limit the head of the Federal Water Pollution Control Administration in matters of organization or in otherwise carrying out his duties under section 2 of this Act as he deems appropriate to the discharge of the functions of such Administration.

(k) The Surgeon General shall be consulted by the head of the Administration on the public health aspects relating to water pollution over which the head of such Administration has administrative responsibility.

SEC. 3. Such Act is further amended by inserting after the section redesignated as section 5 a new section as follows:

"GRANTS FOR RESEARCH AND DEVELOPMENT"

"SEC. 6. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes, and for the purpose of reports, plans, and specifications in connection therewith. The Secretary is authorized to provide for the conduct of research and demonstration relating to new or improved methods of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes, by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes, except that not to exceed 25 per centum of the total amount appropriated under authority of this section for any fiscal year may be expended under authority of this sentence during such fiscal year.

"(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by an appropriate State water pollution control agency or agencies and by the Secretary; (2) no grant shall be made for any project in an amount exceeding 50 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration of a new or improved method of controlling the discharge into any water of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes.

"(c) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1966, and for each of the next three succeeding fiscal years, the sum of \$20,000,000 per fiscal year for the purposes of this section. Sums so appropriated shall remain available until expended. No grant or contract shall be made for any project in an

amount exceeding 5 per centum of the total amount authorized by this section in any one fiscal year."

SEC. 4. (a) Clause (2) of subsection (b) of the section of the Federal Water Pollution Control Act herein redesignated as section 8 is amended by striking out "\$600,000," and inserting in lieu thereof "\$1,200,000."

(b) The second proviso in clause (2) of subsection (b) of such redesignated section 8 is amended by striking out "\$2,400,000," and inserting in lieu thereof "\$4,800,000."

(c) Subsection (b) of such redesignated section 8 is amended by adding at the end thereof the following: "The limitations of \$1,200,000 and \$4,800,000 imposed by clause (2) of this subsection shall not apply in the case of grants made under this section from funds allocated under the third sentence of subsection (c) of this section if the State agrees to match equally all Federal grants made from such allocation for projects in such State."

(d) (1) The second sentence of subsection (c) of such redesignated section 8 is amended by striking out "for any fiscal year" and inserting in lieu thereof "for each fiscal year ending on or before June 30, 1965, and the first \$100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965."

(2) Subsection (c) of such redesignated section 8 is amended by inserting immediately after the period at the end of the second sentence thereof the following: "All sums in excess of \$100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States."

(3) The third sentence of subsection (c) of such redesignated section 8 is amended by striking out "the preceding sentence" and inserting in lieu thereof "the two preceding sentences".

(4) The next to the last sentence of subsection (c) of such redesignated section 8 is amended by striking out "and third" and inserting in lieu thereof ", third, and fourth".

(e) The last sentence of subsection (d) of such redesignated section 8 is amended to read as follows: "Sums so appropriated shall remain available until expended. At least 50 per centum of the funds so appropriated for each fiscal year ending on or before June 30, 1965, and at least 50 per centum of the first \$100,000,000 so appropriated for each fiscal year beginning on or after July 1, 1965, shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under."

(f) Subsection (d) of such redesignated section 8 is amended by striking out "\$100,000,000 for the fiscal year ending June 30, 1966, and \$100,000,000 for the fiscal year ending June 30, 1967," and inserting in lieu thereof "\$150,000,000 for the fiscal year ending June 30, 1966, and \$150,000,000 for the fiscal year ending June 30, 1967."

(g) Subsection (f) of such redesignated section 8 is redesignated as subsection (g) thereof and is amended by adding at the end thereof the following new sentence: "The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 1332-15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c)."

(h) Such redesignated section 8 is further amended by inserting therein, immediately after subsection (e) thereof, the following new subsection:

"(f) Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant made under

subsection (b) of this section by an additional 10 per centum of the amount of such grant for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term 'metropolitan area' means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof."

SEC. 5. (a) Subsection (f) of the section of the Federal Water Pollution Control Act herein redesignated as section 7 is amended by striking out "and" at the end of clause (5) and by inserting at the end of such subsection the following:

"(7) provides that the State will file with the Secretary a letter of intent that such State will establish on or before June 30, 1967, water quality criteria applicable to interstate waters and portions thereof within such State, and no State shall receive any funds under this Act after ninety days following the date of enactment of this clause until such a letter is so filed with the Secretary."

(b) Paragraph (1) of subsection (c) of the section of the Federal Water Pollution Control Act herein redesignated as section 10 is amended by striking out the final period after the third sentence of such subsection and inserting the following in lieu thereof: "; or he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities."

(c) Subsection (e) of such redesignated section 10 of the Federal Water Pollution Control Act is amended by inserting immediately after the period at the end of the third sentence thereof the following: "In connection with any such hearing, the Secretary or his designee shall have power to administer oaths and to compel the presence and testimony of witnesses and the production of any evidence that relates to any matter under investigation at such hearing, by the issuance of subpoenas. No person shall be required under this subsection to divulge trade secrets or secret processes. Witnesses so subpoenaed shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States. In case of contumacy by, or refusal to obey a subpoena duly served upon, any person, any district court of the United States for the judicial district in which such person charged with contumacy or refusal to obey is found or resides or transacts business, upon application by the Secretary or the Attorney General, shall have jurisdiction to issue an order requiring such person to appear and give testimony, or to appear and produce evidence, or both. Any failure to obey such order of the court may be punished by the court as contempt thereof."

SEC. 6. The section of the Federal Water Pollution Control Act hereinbefore redesign-

nated as section 12 is amended by adding at the end thereof the following new subsections:

"(d) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(e) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act."

SEC. 7. (a) Section 7(f)(6) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 6(b)(4)." as contained therein and inserting in lieu thereof "section 8(b)(4); and".

(b) Section 8 of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 5" as contained therein and inserting in lieu thereof "section 7".

(c) Section 11 of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 8(c)(3)" as contained therein and inserting in lieu thereof "section 10(c)(3)" and by striking out "section 8(e)" and inserting in lieu thereof "section 10(e)".

SEC. 8. This Act may be cited as the "Water Quality Act of 1965".

And to amend the title so as to read: "An Act to amend the Federal Water Pollution Control Act to establish a Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of sewage treatment works, to require establishment of water quality criteria, and for other purposes."

Mr. MUSKIE. Mr. President, I move that the Senate disagree to the House amendments to S. 4 and request a conference with the House on the amendments, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to; and the Presiding Officer appointed Mr. MUSKIE, Mr. RANDOLPH, Mr. MOSS, Mr. BOGGS, and Mr. PEARSON conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of several bills on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

SALE OF ISOLATED OR DISCONNECTED TRACTS OF LANDS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 495, S. 625.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 625) to authorize the sale of isolated or disconnected tracts of land.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 4, after the word "but", to strike out "it" and insert "which"; and, after line 12, to strike out:

SEC. 2. If the person who has been using the isolated or disconnected tracts of land purchases said land, all trespasses will be forgiven and waived.

And, in lieu thereof, to insert:

SEC. 2. If the person who has been using the isolated or disconnected tracts of land purchases said land under the provisions of section 2455 of the Revised Statutes, as amended (43 U.S.C. 1171), the amount paid for the land will include the enhanced value brought to the land by the users or their predecessors and will be considered full payment for all trespass against the United States.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second proviso of section 2455 of the Revised Statutes, as amended (43 U.S.C. 1171), is amended by adding after the words "which is mountainous or too rough for cultivation," the words "or which contains some land that can be put to cultivation but it is insufficient because of climatic, topographic, ecologic, soil or other factors to justify a classification as proper for disposal under the homestead or desert land laws," which will make the proviso read: "Provided further, That any legal subdivisions of the public land, not exceeding seven hundred and sixty acres, the greater part of which is mountainous or too rough for cultivation, or which contains some land that can be put to cultivation but which is insufficient because of climatic, topographic, ecologic, soil or other factors to justify a classification as proper for disposal under the homestead or desert land laws, may, in the discretion of the said Secretary, be ordered into the market and sold pursuant to this section upon the application of any person who owns land or holds a valid entry of lands adjoining such tract, regardless of the fact that such tract may not be isolated or disconnected within the meaning of this section."

SEC. 2. If the person who has been using the isolated or disconnected tracts of land purchases said land under the provisions of section 2455 of the Revised Statutes, as amended (43 U.S.C. 1171), the amount paid for the land will include the enhanced value brought to the land by the users or their predecessors and will be considered full payment for all trespass against the United States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 512), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to afford relief to landowners who have fenced in, or utilized with their lands, adjacent tracts of land

owned by the United States. It would permit preference sale under the 1958 public sale law of public domain in tracts of 760 acres or less which contain some land suitable for cultivation, but which cannot be classified for disposal under the desert land or homestead laws.

BACKGROUND

In many areas of Wyoming, pioneer settlers had difficulty in laying out their homesteads and fencing irrigable land. Sometimes settlers would knowingly or unknowingly fence a unit of Government land which could be irrigated profitably. Now, after many years of this technical trespass, the Bureau of Land Management has been resurveying the lands and ordering the ranchers to build their fences on the boundary lines and pay fines for back trespasses. For the most part, the lands are of little value to the U.S. Government, but their loss would be considerable to the individual ranches. The bill would permit preference sale to these adjacent owners at the improved value of the land.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to authorize the sale of certain public lands."

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DIRKSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FIVE-DAY WEEK FOR POSTMASTERS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 496, H.R. 1771.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 1771) to establish a 5-day workweek for postmasters, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 514—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

Section 1 of this bill would establish as congressional policy a 5-day workweek for postmasters in offices of the first, second, and third class. Section 2 would correct a technical error in the Government Employees Salary Reform Act of 1964 regarding the salary classification of postmasters in fourth-class offices.

STATEMENT

The workweek of 40 hours spread over 5 days of the week has been characteristic of public and private employment in the United States since the 1930's. In the postal field service, employees have enjoyed the basic

40-hour workweek for more than 30 years. The concept has not applied, however, to postmasters. The nature of a postmastership demands that the postmaster be responsible for all functions of his office 7 days a week, 24 hours a day. Postal regulations require that postmasters in first-, second-, and third-class offices devote not less than 8 hours during the business day to the conduct of their offices.

For the purpose of computing a postmaster's daily compensation, a divisor of 312 is used, reflecting a 6-day week, 52 weeks a year. The computation formula for most other postal employees is a divisor of 260, reflecting a 5-day week, 52 weeks a year.

Present law and postal regulations permit postmasters to delegate their responsibilities to an assistant postmaster or some other supervisory employee so that the postmaster can take leave on Saturday. During the postmaster's absence in a first-class office, the assistant postmaster is responsible for the operations of the office. In most second-class offices and all third-class offices, there is no assistant postmaster or supervisor. In order to take leave, the postmaster must have clerical funds available to pay a regular clerk or substitute clerk to replace him. Because clerical funds are limited, very few postmasters in second- and third-class offices are able to take leave.

Postmasters in second- and third-class offices are generally on duty from early in the morning until after the close of business 6 days a week. It is extremely difficult to take off time for personal business, to get a haircut, attend to family matters, or do anything which can ordinarily be done only during the daylight hours of the week. The idea that a postmastership is a glamorous sinecure requiring little work and few hours is erroneous. In some small offices, the postmaster is assisted only by a substitute clerk who comes in for a few hours' work each day. These postmasters are not only responsible for all operations of the office but they serve as the Government's chief representative in the community, perform most if not all postal services, and in some cases are the janitors of the postal building.

Progressive reform of the postmasters' workweek is overdue. In the past 2 years, the Postmaster General has attempted to relieve some of the burden from postmasters. In August 1963, the Postmaster General permitted postmasters to take off a day during the week by the rearrangement of work schedules and the utilization of clerical allowances. A Saturday holiday can be arranged for personal reasons, but approval must be obtained in advance from the regional director. Unfortunately, scheduling a holiday depends almost entirely on the availability of clerical allowances. The program has not benefited many postmasters in second- and third-class offices.

The Postmaster General's efforts to provide a 5-day workweek have been severely limited by the availability of clerical allowances in small offices. Clerical allowances are determined for each office in each quarter of the year. If the volume of business in an office increases sharply or additional help is needed because of weather or the Christmas rush, it may be necessary to use all available clerical allowance, and no funds are left to pay a clerk to substitute for the postmaster on a Saturday or some other day which the postmaster might want or need to take off. Critical shortages can result. In fiscal year 1964, for instance, out of an appropriation of \$4,228,714,000 for postal operations, less than \$6 million remained on June 30, 1965. Five million dollars represents one-tenth of 1 percent of the appropriation and is sufficient to pay for less than one-half day's postal operation.

Adequate justification does not exist for continuing the 6-day week for postmasters

in first-, second-, and third-class offices. Other postal employees and classified employees are scheduled for a 5-day week. The time has come to extend this employment benefit to postmasters.

H.R. 1771 will do this by amending the postal laws to stipulate that the Postmaster General shall schedule the 5-day week for postmasters in first-, second-, and third-class offices. In addition, the daily-rate computation formula is changed from 312 to 260. Employees substituting for the postmaster in his absence will be paid at the daily rate which the position deserves.

POST OFFICE SERVICE

This legislation will not result in any post office being closed because of the 5-day workweek. The bill specifically provides that the legislation "shall not be held or considered to permit the closing of any post office on any weekday, Monday through Saturday, inclusive." Nor will this legislation result in an increase in salary. Postmasters are not entitled to overtime compensation, compensatory time off, holiday pay, or premium pay for nightwork. This bill has no effect upon that policy.

FOURTH-CLASS POST OFFICES

This legislation does not include postmasters at fourth-class offices. Very careful consideration has been given to the views of postmasters at these offices. It is the committee's opinion that the basic purpose of this legislation is to achieve a 40-hour week for postmasters. Postmasters at fourth-class offices are not now required to work more than 40 hours a week. Careful and thorough consideration has been given to the duties involved in postmasterships at fourth-class offices. The Government Employees Salary Reform Act of 1964 granted very substantial increases in the compensation of postmasters at these offices. That law increased the minimum pay for these postmasters from \$569 to \$1,313 a year.

Most fourth-class offices provide service equal to 5 working hours per day. Although a great many of these offices are actually open all day long, nothing prevents the postmaster from having a reasonable amount of time to attend to his personal business. In addition, it has been standard practice to permit postmasters in fourth-class offices to be absent occasionally on Saturday for personal reasons and have a paid replacement during the postmaster's absence. This absence is not charged to annual leave or sick leave. It was primarily to provide such an opportunity for postmasters in second- and third-class offices that this legislation was first introduced.

The committee is sympathetic to the problems of postmasters in fourth-class offices. It has viewed with concern the gradual decline in the number of fourth-class offices and the effect which this decline has on postal service in rural America. By extending the 5-day week to fourth-class offices, the cost of operations would increase by nearly \$6 million a year. Past experience has indicated that all too frequently, increased operations expense has led to the elimination of small offices. The committee believes that in the long run, the interests of the fourth-class office, its postmaster, and its patrons will best be served by continuing the present 6-day, 40-hour week.

REVENUE UNIT CHANGES IN FOURTH-CLASS POST OFFICES

Section 2 of the bill corrects an inequity arising from the use of the words "fiscal year" instead of "calendar year" in section 111(a) of the Government Employees Salary Reform Act of 1964 (Public Law 88-426, 39 U.S.C. 3544(b)).

In changing from the gross receipts to the revenue unit method of classifying post offices in 1964, Congress specified that postmasters at fourth-class offices which are rele-

gated to a lower class will receive a basic salary at the lowest step which is higher than the basic salary received by the postmaster at the end of the preceding fiscal year. The inadvertent use of the word "fiscal" rather than "calendar" has resulted in some postmasters at fourth-class offices being paid at a rate based on salaries established by the Fourth-Class Office Schedule II of the Federal Salary Reform Act of 1962, which was in effect at the end of the 1964 fiscal year. The present fourth-class office schedule did not become effective until July 4, 1964, 4 days after the end of the 1964 fiscal year. Re-classifications in January 1965 cost some postmasters several hundred dollars a year in salary. Congress did not intend this result.

EFFECTIVE DATES

Section 3 establishes the effective dates of this act. The 5-day week for postmasters shall become effective on the first day of the first pay period beginning on or after January 1, 1966. The technical correction in 39 U.S.C. 3544(b) is made retroactive to the first pay period beginning after January 1, 1966.

EXEMPTION OF POSTAL FIELD SERVICE FROM THE SUPPLEMENTAL APPROPRIATIONS ACT OF 1965

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 497, H.R. 6622.

The PRESIDING OFFICER. The bill will be stated by title for the the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 6622) to exempt the postal field service from section 3110 of the Supplemental Appropriations Act, 1965.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 513), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

H.R. 6622 would remove the postal field service from the numerical restrictions on permanent employee positions imposed by the Supplemental Appropriation Act of 1952 (Public Law 82-253). Under that law, the total number of permanent employee positions in the Federal service cannot exceed by more than 10 percent the number of positions existing on September 1, 1950.

JUSTIFICATION

Section 1310(a) of the Supplemental Appropriation Act of 1952, commonly referred to as the Whitten amendment, was designed to prevent an unwarranted increase in the number of permanent employees in the Federal service as a result of the national emergency caused by the Korean conflict. The Korean conflict ended 12 years ago, but the numerical limitation upon permanent positions remains in the law. For most Federal agencies, this has worked no particular hardship. For the Post Office Department, however, the normal increase in mail volume has necessitated an increase in the number of postal field service employees so that mail can be delivered.

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued July 30, 1965
For actions of July 29, 1965
89th-1st; No . 138

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HIGHLIGHTS: see page 6

HOUSE

1. WHEAT. The "Daily Digest" states that a subcommittee of the Banking and Currency Committee voted to report to the full committee S. 2294, to extend the operation of the International Wheat Agreement Act until July 31, 1966. p. D720
Rep. Stalbaum inserted a Cooperative Legislative League resolution favoring the wheat provisions of the farm bill. p. 18041

2. BANKING; FOREIGN TRADE. The Rules Committee reported a resolution for the consideration of S. 1742, to authorize the U. S. Governor to agree to amendments to the articles of agreement of the International Bank for Reconstruction and Development and the International Finance Corporation. p. 18038
3. LANDS. The Interior and Insular Affairs Committee reported with amendment H. R. 5984, to amend R. S. 2275 and 2276 with respect to certain lands granted to the States (H. Rept. 696); and H. R. 6646, to amend the Recreation and Public Purposes Act pertaining to the leasing of public lands to States and their political subdivisions (H. Rept. 697). p. 18092
4. INDEPENDENT OFFICES APPROPRIATION BILL, 1966. Conferees were appointed on this bill, H. R. 7997 (p. 17991). Senate conferees have already been appointed.
5. WATER POLLUTION. Conferees were appointed on S. 4, the proposed Water Quality Act of 1965 (p. 17992). Senate conferees have already been appointed.
6. ATOMIC ENERGY; ELECTRIFICATION. By a vote of 275 to 125, passed without amendment H. R. 8356, to amend the Atomic Energy Act to clarify the intent of Congress regarding regulation of the sale, generation, or transmission of electric power produced through the use of nuclear facilities licensed by the Atomic Energy Commission. pp. 17992-18006
7. EDUCATION. Passed without amendment H. R. 8310, the proposed Educational Rehabilitation Act Amendments of 1965. pp. 18018-38
8. RESEARCH. The "Daily Digest" states that a subcommittee of the Interstate and Foreign Commerce Committee voted to report to the full committee with amendment H. R. 3420, to promote economic growth by supporting State and regional centers to place the findings of science usefully in the hands of American enterprise. p. D721
9. CONTAINERS. The "Daily Digest" states that a subcommittee of the Interstate and Foreign Commerce Committee voted to report to the full committee H. R. 6775, to prohibit the introduction into interstate commerce of any shipping container manufactured in the United States from imported steel unless the container is marked so as to indicate the country of origin of the steel. p. D721
10. IMPORTS; LABELING. The "Daily Digest" states that a subcommittee of the Interstate and Foreign Commerce Committee voted to report to the full committee H. R. 7043, to amend the Textile Fiber Products Identification Act and the Wool Products Labeling Act of 1939 in order to require that improved woven labels must have woven into them the name of the country where woven. p. D721
11. RURAL MAIL SERVICE. Rep. Langen announced that he had requested an accounting by the General Accounting Office of the "actions of the U. S. Post Office Department in their curtailment of service to rural areas..." p. 18044
12. RECLAMATION. Rep. Saylor called a Bureau of Reclamation pamphlet "misleading" in its presentation of a "glowing picture of repayment of the Federal investment in electric power..." pp. 18066-7
13. TRADE FAIRS. Rep. Gonzalez inserted an editorial discussing HemisFair 1968, an international exposition to be held in San Antonio, Tex. p. 18080



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Congressional Record

PROCEEDINGS AND DEBATES OF THE 89th CONGRESS, FIRST SESSION

Vol. 111

WASHINGTON, THURSDAY, JULY 29, 1965

No. 138

House of Representatives

The House met at 11 o'clock a.m.

Rev. R. Cecil Mills, D.D., Canaan Baptist Church, Washington, D.C., offered the following prayer:

In all thy ways acknowledge Him, and He shall direct thy paths.

Lord of every land and nation, we thank Thee for men whose faith in Thee has made them great in the history of our country. Make us realize that only those lands are truly prosperous and happy whose leaders are led by the spirit of God. As we give Thee thanks for courageous Christian leadership in the days gone by, we pray Thee for men at the head of affairs in our Nation during these troubled days in whose hearts is the fear of the Lord and whose greatest ambition is to serve Thee and do Thy will. So shall our beloved land fulfill the mission Thou hast appointed unto it.

Give us a consciousness of guilt, not only for personal sins but also for the great collective sins of mankind, from which we cannot escape a share of responsibility. Help us to believe in the saving power of the Gospel when applied through the lives of redeemed men to the sins of society. Let us never be complacent or at ease so long as our fellow men are unjustly oppressed.

And grant unto us universal peace and good will among all men.

In His name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 625. An act to authorize the sale of certain public lands.

INDEPENDENT OFFICES APPROPRIATION BILL, 1966

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the bill (H.R. 7997) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1966, and for other purposes, with Senate amendments thereto, disagree to the amendments of the Senate, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. THOMAS, EVINS of Tennessee, BOLAND, SHIPLEY, GILMO, MAHON, JONAS, MINSHALL, RHODES of Arizona, and Bow.

COMMITTEE ON THE JUDICIARY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until midnight, July 29, to file reports on the bills H.R. 8027 and H.R. 6964.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, what are those bills?

Mr. ALBERT. The first has to do with the Law Enforcement Association, and the second deals with the rehabilitation of prisoners.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SUBCOMMITTEE ON COAST GUARD OF COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Coast Guard of the Committee on Merchant Marine and Fisheries have permission to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMITTEE ON BANKING AND CURRENCY, SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on International Trade of the Committee on Banking and Currency be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMITTEE ON BANKING AND CURRENCY, SUBCOMMITTEE ON DOMESTIC FINANCE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Domestic Finance of the Committee on Banking and Currency be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRESIDENT'S STATEMENTS ON VIETNAM

Mr. ALBERT. Mr. Speaker, I offer a resolution (H. Res. 492) and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the resolution, as follows:

H. Res. 492

Resolved, That there be printed as a House document the statements of the President of the United States on July 28, 1965, on the Nation's commitment in Vietnam; and that fifty thousand additional copies shall be printed, of which thirty thousand copies shall be for the House document room and twenty thousand copies shall be for the Senate document room.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives which was read and referred to the Committee on House Administration:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 29, 1965.

The Honorable the SPEAKER,
House of Representatives.

SIR: I have the honor to lay before the House of Representatives the contests for seats in the House of Representatives from the First Congressional District of the State of Mississippi, Augusta Wheadon against Thomas G. Abernethy, the Second Congressional District of the State of Mississippi, Fannie Lou Hamer against Jamie L. Whitten, the Fourth Congressional District of Mississippi, Annie DeVine against Prentiss Walker, and the Fifth Congressional District of Mississippi, Victoria Jackson Gray against William M. Colmer, notices of which have been filed in the office of the Clerk of the House; and also transmit herewith original testimony, papers, and documents relating thereto, including the copy of the unsigned notice to contest the election held in the Third Congressional District of the State of Mississippi and related papers.

In compliance with the act approved March 2, 1887, entitled "An act relating to contested-election cases," the Clerk has opened and printed the testimony in the above cases as seemed proper to the Clerk, there being complete disagreement by the parties as to the portions of the testimony to be printed, the notice of contest, the answer thereto and original papers and exhibits have been sealed up and are ready to be referred to the appropriate committee of the House of Representatives.

Two copies of the printed testimony in the aforesaid cases have been mailed to the contestants, and the same number to the contestees, which together with briefs of the parties, when received, will be laid before the committee of the House to which the matter shall be referred.

Very truly yours,

RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

CALL OF THE HOUSE

Mr. DEVINE. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 210]

| | | |
|---------------|------------|---------|
| Bonner | Jones, Mo. | Redlin |
| Bow | Karth | Resnick |
| Cahill | Keogh | Ryan |
| Colmer | Lindsay | Shipley |
| Conyers | McEwen | Sickles |
| Duncan, Oreg. | Michel | Toll |
| Halleck | Morton | Ullman |
| Harvey, Ind. | Powell | Watson |

The SPEAKER. On this rollcall 405 Members have answered to their names, a quorum.

By unanimous consent further proceedings under the call were dispensed with.

TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. FALLON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4) to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes, with House amendments thereto, insist upon the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? The Chair hears none, and appoints the following conferees: Messrs. FALLON, BLATNIK, JONES of Alabama, GRAMER, and BALDWIN.

H.R. 9750, H.R. 9869, AND H.R. 9875

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to refer the bills, H.R. 9750, H.R. 9869, and H.R. 9875, to the Committee on Agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman state the titles of those bills so we may know what he is dealing with?

Mr. HARRIS. They are identical bills to H.R. 9743 which was re-referred, at the request of the author and the chairman of the Committee on Agriculture, having to do with the utilization of certain animals on the basis of the method that the animals are obtained.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

ADDITIONAL CONFeree ON H.R. 5401

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to add one additional conferee to the conference with the Senate on H.R. 5401, which is the transportation bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The SPEAKER. The Chair appoints the gentleman from West Virginia [Mr. STAGGERS] as the additional conferee, and the Clerk will notify the Senate of this action.

SUBCOMMITTEE ON IRRIGATION AND RECLAMATION OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that the Sub-

committee on Irrigation and Reclamation of the Committee on Interior and Insular Affairs may be permitted to sit this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT TO SECTION 271 OF THE ATOMIC ENERGY ACT OF 1954

The SPEAKER. The Chair recognizes the gentleman from California [Mr. HOLIFIELD].

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8856) to amend section 271 of the Atomic Energy Act of 1954, as amended.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 8856, with Mr. HARRIS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California [Mr. HOLIFIELD] will be recognized for 1 hour and the gentleman from California [Mr. HOSMER] will be recognized for 1 hour.

The Chair recognizes the gentleman from California [Mr. HOLIFIELD].

Mr. HOLIFIELD. Mr. Chairman, I yield myself such time as I may consume.

(Mr. HOLIFIELD asked and was given permission to revise and extend his remarks.)

Mr. HOLIFIELD. Mr. Chairman, this is the second time this legislation has been brought to the floor for consideration. It was previously brought to the floor under suspension of the rules which requires a two-thirds vote in the affirmative. The vote was 216 to 139 and, therefore, the bill having failed to get two-thirds in the affirmative, it was necessary to bring it up under the rule which allows an hour for each side to present their case.

H.R. 8856 would amend section 271 of the Atomic Energy Act of 1954, as amended. The five-member Atomic Energy Commission unanimously supports this bill, as does the Justice Department. The Joint Committee on Atomic Energy also unanimously recommends that this bill be enacted.

Mr. Chairman, the effect of this bill, and the reasons why the Joint Committee on Atomic Energy recommends its enactment, were explained in my statement on the floor on July 12. In view of this fact, and in light of the comprehensive report on this bill filed by our committee, I will simply point out several significant facts about H.R. 8856.

First. Because of the interest which has been generated concerning the dis-

Sept. 14, 1965

- found unsound governmentally," and inserted an article, "The Extraordinary Powers of the Bureau of the Budget." pp. 22965-8
7. MINERALS. Received from the President the semi-annual report of the Office of Minerals Exploration, Geological Survey. p. 22863
8. ACCOUNTING; BONDING. Received from Treasury the annual report on operations in connection with the bonding of Federal employees. p. 22936

HOUSE

9. POVERTY. Received the conference report on H. R. 8283, to expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunity Act of 1964 (H. Rept. 1001)(pp. 22803-6). The bill amends title III (Special Programs to Combat Poverty in Rural Areas) of the Economic Opportunity Act so as to make clear that prohibition against loans to cooperatives organized for manufacturing purposes does not prevent loans to cooperatives processing dairy products or similar edible farm products; to clarify the authority granted with respect to the types and scope of assistance and the institutions through which assistance may be extended to migrant workers and their families; and to authorize the appropriation of \$55 million for fiscal year 1966 for carrying out the purposes of title III. Also, the bill extends until June 30, 1966, the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers who have been directed since Jan. 1, 1964, to remove their milk from commercial markets because it contained residues of chemicals registered and approved for use by the Government at the time of use.
10. LOANS. The Rules Committee reported a resolution for the consideration of H. R. 10232, the FHA loan expansion bill. See Digest 161 for a summary of this bill. pp. 22780-81
11. LANDS. The Interior and Insular Affairs Committee reported without amendment S. 1190, to provide that certain limitations shall not apply to certain land patented to the State of Alaska for the use and benefit of the University of Alaska (H. Rept. 984). p. 22861
12. BUILDINGS. The Government Operations Committee reported with amendment S. 1516, to authorize GSA to enter into contracts for the inspection, maintenance, and repair of fixed equipment in federally owned buildings (H. Rept. 993). p. 22861
13. TRANSPORTATION. Conferees were appointed on S. 1588, to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation (pp. 22777-78). Senate conferees have already been appointed.
14. TARIFF. The Ways and Means Committee voted to report (but did not actually report) with amendment H. R. 6568, to amend the Tariff Act of 1930 to provide for alteration of the duties on importation of copra, palm nuts and palm nut kernels and the oils crushed therefrom. p. D919
15. DISASTER RELIEF. Several Representatives discussed the damage caused by hurricane Betsy in Louisiana and urged legislation for additional disaster relief. pp. 22811-12, 22812-13, 22844, 22847, 22852

16. PUBLIC WORKS; ECONOMIC DEVELOPMENT. Rep. Patman commended and inserted excerpts from the President's speech on the occasion of the signing of the Public Works and Economic Development Act. pp. 22812-19
 17. ELECTRIFICATION. Rep. Schmidhauser inserted a speech by Vice President Humphrey commending the cooperative rural electrification program. pp. 22841-42
 18. WATER POLLUTION. The "Daily Digest" states that the conferees "agreed to file a conference report on...S.4, establishing a national program for the control and abatement of water pollution." p. D919
 19. PEANUTS. Rep. Abbitt stated that the "peanut industry is one of the most important segments of industry in my area of Virginia," and inserted a speech of the president of the Association of Virginia Peanut and Hog Growers, Inc. pp. 22848-49
 20. INSECTICIDES; FISHERIES. The Merchant Marine and Fisheries Committee reported without amendment S. 1623, to authorize a continuing study by Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource (H. Rept. 1002). p. 22861
 21. WATERSHEDS. The Public Works Committee approved plans for works of improvement on the following watershed projects: Cooper Creek, Ark.; Limestone Stream, Maine; Long Creek, Miss.; Tuscumbia River, Miss. and Tenn.; Grindstone-Lost-Muddy Creek, Mo.; Stewarts Creek-Lovills Creek, N. C. and Va.; Upper Elk Creek, Okla.; Ferron, Utah; Choccolocco Creek, Als.; Little Clear Creek, Ark.; Grove River and South Fork Broad River, Ga.; SuAsCo supplement, Mass.; Busseron supplement, Ind.; Upper Choptank River, Del. and Md.; Little Raccoon Creek, Ind; Timber Creek, Kans.; Tamarac River, Minn.; Quapaw Creek, Okla.; Buck Creek, Tex.; Cherrystone, Va.; and Rock Creek, Okla. pp. 22797-98
- ITEMS IN APPENDIX
22. OPINION POLL. Rep. Brock inserted the results of his 1965 legislative questionnaire, including items of interest to this Department. p. A5151
 23. INFORMATION. Extension of remarks of Rep. Younger expressing concern over information "processes" used by the administration, and inserting several articles on the number of press releases issued by the White House, one of which made reference to this Department. p. A5152
 24. POVERTY. Reps. Edwards, Ala., Gubser, and Quie inserted articles critical of the poverty program. pp. A5157, A5171, A5181
 25. PERSONNEL; PAY. Extension of remarks of Sen. Randolph stating that "It is mandatory that we arrive at an equitable level of compensation for our dedicated Federal employees." pp. A5159-62
 26. WATER. Extension of remarks of Rep. Bandstma urging passage of the bill to provide loans for the development of rural water systems and inserting an article, "Water: Rural America's Greatest Need." pp. A5165-6
Extension of remarks of Reps. Brock urging greater utilization of our water resources and inserting articles, "Water: A Dwindling Reserve", and "100 Billion for Fresh Water?" pp. A5174-7

PUBLIC HEALTH SERVICE ACT

Committee on Interstate and Foreign Commerce: Concluded hearings on H.R. 3142 and H.R. 6001, to amend the Public Health Service Act to provide for a program of grants to assist in meeting the need for adequate medical library services and facilities. Testimony was heard from Representative Fogarty; Luther Terry, the Surgeon General; Dr. E. W. Dempsey, Special Assistant to the Secretary, HEW; and public witnesses.

INTERSTATE AFFAIRS

Committee on Interstate and Foreign Commerce: Concluded hearings on S. 903, regarding painting and marking of abandoned radio towers; S. 1554, designation of person to receive official Federal Communication Commission notices; S. 1948, to amend the Communications Act of 1934 regarding conflict of interest; and H.R. 7169, to amend the Securities Act of 1933 with respect to certain registration fees. Testimony was heard from William Henry, Chairman, FCC; Manuel Cohen, Chairman, SEC; and public witnesses.

JUDGESHIPS

Committee on the Judiciary: Subcommittee No. 5 continued hearings on omnibus judgeship bills. Testimony was heard from Representatives Zablocki, Reuss, Downing, Hardy, and Stafford.

ALASKA STATEWIDE EXPOSITION

Committee on Public Works: Ad Hoc Subcommittee on H.R. 9963 held a hearing on H.R. 9963, to promote the economic development of the State of Alaska by providing for U.S. participation in the statewide exposition to be held in Alaska during 1967. Testimony was heard from public witnesses.

PENDING BUSINESS

Committee on Public Works: Subcommittee on Roads met in executive session on pending business. No announcements were made.

ARMED FORCES LIFE INSURANCE

Committee on Veterans' Affairs: Subcommittee on Insurance met in executive session and approved for full committee action H.R. 10873 (amended), to amend title 38 of the U.S. Code to establish a program of group life insurance which shall be provided by private insurance companies for members of the uniformed services who are on active duty.

DUTY-FREE SPECTROMETERS

Committee on Ways and Means: Met in executive session and ordered reported favorably to the House the following bills:

H.R. 1317, to provide for the free entry of a mass spectrometer which was imported during May 1963 for the use of Stanford University, Stanford, Calif.;

H.R. 1386, to provide for the free entry of one mass spectrometer for the use of Pomona College;

H.R. 2565, to provide for the free entry of one mass spectrometer for the use of the University of Chicago;

H.R. 3126, to provide for the free entry of one mass spectrometer for the University of Washington;

H.R. 4832, to provide for the free entry of a mass spectrometer for the use of St. Louis University;

H.R. 6666, to provide for the free entry of 90-centimeter split-pole magnetic spectrograph system with orange-peel internal conversion spectrometer attached for the use of the University of Pittsburgh;

H.R. 6906, to provide for the free entry of one mass spectrometer and one split-pole spectrograph for the use of the University of Rochester, Rochester, N.Y.;

H.R. 8232, to provide for the free entry of one mass spectrometer-gas chromatograph for the use of Oklahoma State University, Stillwater, Okla.;

H.R. 8272, to provide for the free entry of an isotope separator for the use of Princeton University, Princeton, N.J.;

H.R. 9903, to provide for the free entry of one multi-gap magnetic spectrograph for the use of Yale University;

H.R. 8436 (amended), to amend the Tariff Schedules of the U.S. with respect to the dutiable status of watches, clocks, and timing apparatus from insular possessions of the U.S.; and

H.R. 6568 (amended), to amend the Tariff Act of 1930 to provide for alteration of the duties on importation of copra, palm nuts and palm kernels, and the oils crushed therefrom.

Joint Committee Meetings**VESSEL EXCHANGE**

Conferees met in executive session to resolve the differences between the Senate- and House-passed versions of H.R. 728, to amend and extend those provisions of the Merchant Marine Act dealing with the exchange of war-built vessels, but did not reach final agreement thereon, and will meet again tomorrow.

WATER POLLUTION CONTROL

Conferees, in executive session, agreed to file a conference report on the differences between the Senate- and House-passed versions of S. 4, establishing a national program for the control and abatement of water pollution.

BILL SIGNED BY THE PRESIDENT**New Law**

(For last listing of public laws, see DIGEST, p. D913, September 13, 1965)

S. 949, State Technical Services Act of 1965. Signed September 14, 1965 (P.L. 89-182).

Next meeting of the SENATE
12:00 noon, Wednesday, September 15

COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 15

(All meetings are open unless otherwise designated)

Senate

Committee on Commerce, to resume hearings on the administration of Public Law 88-108, re railroad work rules dispute, 10 a.m., 5110 New Senate Office Building.

Committee on Finance, on H.R. 9042, implementing agreement between the U.S. and Canada relating to trade in automotive products, 10 a.m., 2221 New Senate Office Building.

Committee on Government Operations, Subcommittee on Foreign Aid Expenditures, to resume hearings on S. 1676, re population control, 10 a.m., 3302 New Senate Office Building.

Committee on Interior and Insular Affairs, executive, on S. 1446, wild rivers bill, 10 a.m., 3112 New Senate Office Building.

Committee on the Judiciary, full committee, executive, on committee business, 10:30 a.m., 2300 New Senate Office Building.

Antitrust and Monopoly Subcommittee, on pending dual distribution bills (S. 1842, 1843, and 1844), 10 a.m., 1318 New Senate Office Building.

Committee on Labor and Public Welfare, Employment and Manpower Subcommittee, to continue hearings on employer encouragement for on-the-job training, 10 a.m., 4232 New Senate Office Building.

House

Committee on Appropriations, Subcommittee on Labor-HEW, executive, on pending business, 10 a.m., H-164 U.S. Capitol Building.

Committee on Armed Services, Subcommittee No. 3, on H.R. 3046, regarding disposal of telephone facilities, 10 a.m., 2212 Rayburn House Office Building.

Committee on Banking and Currency, Subcommittee on Domestic Finance, to continue hearings on S. 1698, and related bills, to exempt bank mergers approved under the Bank Merger

Next meeting of the HOUSE OF REPRESENTATIVES
12:00 noon, Wednesday, September 15

Act from operation of the antitrust laws, 10 a.m., 2128 Rayburn House Office Building.

Committee on Education and Labor, Select Subcommittee on Labor, to continue on H.R. 10721, to amend the Federal Employees Compensation Act, 10 a.m., 2261 Rayburn House Office Building.

Full committee, executive, on pending legislation, 11 a.m., 2175 Rayburn House Office Building.

Committee on Foreign Affairs, Subcommittee on Inter-American Affairs, on H.R. 10779, authorizing a toll bridge across the Rio Grande near Pharr, Tex., 10:30 a.m., 2255 Rayburn House Office Building.

Committee on House Administration, executive, on the Mississippi Contested Election Cases, 1:30 p.m., H-329 U.S. Capitol Building.

Committee on Interior and Insular Affairs, on H.R. 2020, regarding the Southern Nevada water project; and H.R. 9334, regarding conveyance of certain real property of the U.S. to the State of Maryland, 9:45 a.m., 1324 Longworth House Office Building.

Committee on the Judiciary, Subcommittee No. 2, executive, on pending business, 10 a.m., 2237 Rayburn House Office Building.

Committee on Post Office and Civil Service, Subcommittee on Retirement, executive, on H.R. 5147, regarding health benefit plans, 9:30 a.m., 215 Cannon House Office Building.

Committee on Public Works, Subcommittee on Roads, executive, on pending legislation, 10 a.m., 2167 Rayburn House Office Building.

Committee on Veterans' Affairs, executive, on pending legislation, to be followed by an open hearing on the Cold War GI bill, 10 a.m., 356 Cannon House Office Building.

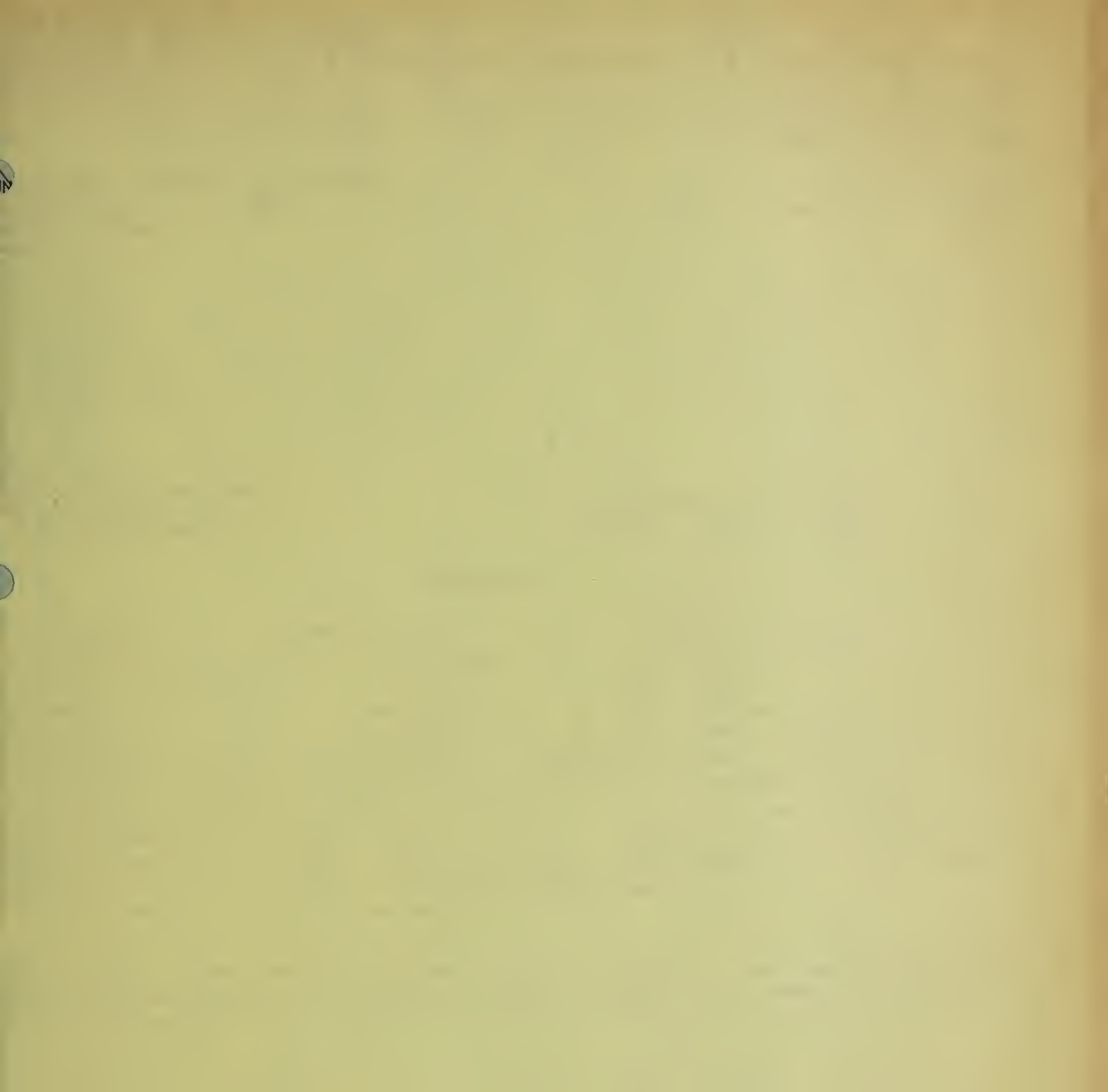
Joint Committee

Conferees, executive, on S. 1588, to provide research and development into high-speed ground transportation, 2:30 p.m., room EF-100, Capitol.



Congressional Record

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DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
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OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
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Issued Sept. 20, 1965
For actions of Sept. 17, 1965
89th-1st; No. 172

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HIGHLIGHTS: House received conference report on water pollution control bill.
Senate passed resolution to establish annual National Farmers Week. Rep. Cooley
introduced sugar bill.

HOUSE

1. WATER POLLUTION. Received the conference report on S. 4, the proposed Water Quality Act of 1965, which provides for the establishment of a Federal Water Pollution Control Administration in HEW (H. Rept. 1022). pp. 23371-6
2. LOANS. Concurred in the Senate amendment to H. R. 4152, to provide means for expediting the retirement of Government capital in the Federal intermediate

credit banks, including an increase in the debt permitted such banks in relation to their capital and provision for the production credit associations to acquire additional capital stock therein, to provide for allocating certain earnings of such banks and associations to their users, and to increase the authority of the credit banks to obtain funds from non-Government sources. This bill will now be sent to the President. pp. 23416, 23417

3. DEFENSE DEPARTMENT APPROPRIATION BILL. By a vote of 380 to 0, agreed to the conference report on this bill, H. R. 9221, which includes a provision authorizing the Defense Department to purchase milk for enlisted personnel which was previously furnished without charge by CCC. pp. 23377-89
4. MILITARY CONSTRUCTION APPROPRIATION BILL. Agreed to the conference report on this bill, H. R. 10323, which includes funds to repay CCC for certain family housing projects financed from foreign currencies. pp. 23376-7
5. TRANSPORTATION. Agreed to the conference report on S. 1588, to authorize the Secretary of Commerce to undertake research, development, and demonstration in high-speed ground transportation. pp. 23416-7
6. RESEARCH. The Merchant Marine and Fisheries Committee reported with amendment S. 944, to provide for expanded research and development in the marine environment of the U. S., including the establishment of a National Council on Marine Resources and Engineering Development and a Commission on Marine Science, Engineering and Resources (H. Rept. 1025). p. 23430
7. FARM PROGRAM. Rep. Resnick inserted a letter to the editor by James G. Patton, president of the National Farmers Union, critical of the migration from rural to urban areas and urging support for "legislation and necessary appropriations to stabilize farm people in rural areas, instead of letting this antisocial migration continue." pp. 23422-3
Rep. Broyhill, N. C., inserted the results of a public opinion poll in his Congressional district on various subjects, including continuation of the cotton and wheat certificate program. p. 23418
8. BUILDINGS. Received from the Public Works Committee a letter announcing the approval of prospectuses for certain Federal buildings, including one for Columbia, Mo., to house Federal agencies, with the exception of FCIC which will remain at its present location at Sedalia, Mo. p. 23371
9. SMALL BUSINESS; COMMITTEE ASSIGNMENTS. Rep. Roosevelt resigned as a member of the Select Committee on Small Business. p. 23417
10. INTERGOVERNMENTAL RELATIONS. Rep. Fountain inserted an address by the chairman of the Advisory Commission on Intergovernmental Relations, "Local Government - The Next Half Century." pp. 23423-5
11. APPROPRIATIONS. Rep. Mahon inserted a summary table on appropriation bills which have been acted on so far this session. pp. 23428-9
12. LEGISLATIVE PROGRAM. Rep. Albert announced that the bill to study the effects of pesticides on fish and wildlife will be considered Mon., and that the FHA loan expansion bill, International Wheat Agreement extension bill, and proposed Clean Air and Solid Waste Disposal Acts will be considered later in the week. pp. 23418-9

WATER QUALITY ACT OF 1965

SEPTEMBER 17, 1965.—Ordered to be printed

Mr. BLATNIK, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S. 4]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4) to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following: *That (a)(1) section 1 of the Federal Water Pollution Control Act (33 U.S.C. 466) is amended by inserting after the words "SECTION 1." a new subsection (a) as follows:*

"(a) The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution."

(2) Such section is further amended by redesignating subsections (a) and (b) thereof as (b) and (c), respectively.

(3) Subsection (b) of such section (as redesignated by paragraph (2) of this subsection) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: "The Secretary of Health, Education, and Welfare (hereinafter in this Act called 'Secretary') shall administer this Act through the Administration created by section 2 of this Act, and with the assistance of an Assistant Secretary of Health, Education, and Welfare designated by him, shall supervise and direct (1) the

head of such Administration in administering this Act and (2) the administration of all other functions of the Department of Health, Education, and Welfare related to water pollution. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe."

(b) There shall be in the Department of Health, Education, and Welfare, in addition to the Assistant Secretaries now provided for by law, one additional Assistant Secretary of Health, Education, and Welfare who shall be appointed by the President, by and with the advice and consent of the Senate. The provisions of section 2 of Reorganization Plan Numbered 1 of 1953 (67 Stat. 631) shall be applicable to such additional Assistant Secretary to the same extent as they are applicable to the Assistant Secretaries authorized by that section. Paragraph (17) of section 303(d) of the Federal Executive Salary Act of 1964 (78 Stat. 418) is amended by striking out "(5)" before the period at the end thereof and inserting in lieu thereof "(6)."

SEC. 2. (a) Such Act is further amended by redesignating sections 2 through 4, and references thereto, as sections 3 through 5, respectively, sections 5 through 14, as sections 7 through 16, respectively, by inserting after section 1 the following new section:

"FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

"SEC. 2. Effective ninety days after the date of enactment of this section there is created within the Department of Health, Education, and Welfare a Federal Water Pollution Control Administration (hereinafter in this Act referred to as the 'Administration'). The head of the Administration shall be appointed, and his compensation fixed, by the Secretary. The head of the Administration may, in addition to regular staff of the Administration, which shall be initially provided from the personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions; and he may delegate any of his functions to, or otherwise authorize their performance by, any officer or employee of, or assigned or detailed to, the Administration."

(b) Subject to such requirements as the Civil Service Commission may prescribe, any commissioned officer of the Public Health Service who, on the day before the effective date of the establishment of the Federal Water Pollution Control Administration, was, as such officer, performing functions relating to the Federal Water Pollution Control Act may acquire competitive civil service status and be transferred to a classified position in the Administration if he so transfers within six months (or such further period as the Secretary of Health, Education, and Welfare may find necessary in individual cases) after such effective date. No commissioned officer of the Public Health Service may be transferred to the Administration under this section if he does not consent to such transfer. As used in this section, the term "transferring officer" means an officer transferred in accordance with this subsection.

(c) (1) The Secretary shall deposit in the Treasury of the United States to the credit of the civil service retirement and disability fund, on behalf of and to the credit of each transferring officer, an amount equal to that which such individual would be required to deposit in such fund to cover the years of service credited to him for purposes of his retirement as a commissioned officer of the Public Health Service to the date of his transfer

as provided in subsection (b), but only to the extent that such service is otherwise creditable under the Civil Service Retirement Act. The amount so required to be deposited with respect to any transferring officer shall be computed on the basis of the sum of his basic pay, allowance for quarters, and allowance for subsistence and, in the case of a medical officer, his special pay, during the years of service so creditable, including all such years after June 30, 1960.

(2) The deposits which the Secretary of Health, Education, and Welfare is required to make under this subsection with respect to any transferring officer shall be made within two years after the date of his transfer as provided in subsection (b), and the amounts due under this subsection shall include interest computed from the period of service credited to the date of payment in accordance with section 4(e) of the Civil Service Retirement Act (5 U.S.C. 2254(e)).

(d) All past service of a transferring officer as a commissioned officer of the Public Health Service shall be considered as civilian service for all purposes under the Civil Service Retirement Act, effective as of the date any such transferring officer acquires civil service status as an employee of the Federal Water Pollution Control Administration; however, no transferring officer may become entitled to benefits under both the Civil Service Retirement Act and title II of the Social Security Act based on service as such a commissioned officer performed after 1956, but the individual (or his survivors) may irrevocably elect to waive benefit credit for the service under one Act to secure credit under the other.

(e) A transferring officer on whose behalf a deposit is required to be made by subsection (c) and who, after transfer to a classified position in the Federal Water Pollution Control Administration under subsection (b), is separated from Federal service or transfers to a position not covered by the Civil Service Retirement Act, shall not be entitled, nor shall his survivors be entitled, to a refund of any amount deposited on his behalf in accordance with this section. In the event he transfers, after transfer under subsection (b), to a position covered by another Government staff retirement system under which credit is allowable for service with respect to which a deposit is required under subsection (c), no credit shall be allowed under the Civil Service Retirement Act with respect to such service.

(f) Each transferring officer who prior to January 1, 1957, was insured pursuant to the Federal Employees' Group Life Insurance Act of 1954, and who subsequently waived such insurance, shall be entitled to become insured under such Act upon his transfer to the Federal Water Pollution Control Administration regardless of age and insurability.

(g) Any commissioned officer of the Public Health Service who, pursuant to subsection (b) of this section, is transferred to a position in the Federal Water Pollution Control Administration which is subject to the Classification Act of 1949, as amended, shall receive a salary rate of the General Schedule grade of such position which is nearest to but not less than the sum of (1) basic pay, quarters and subsistence allowances, and, in the case of a medical officer, special pay, to which he was entitled as a commissioned officer of the Public Health Service on the day immediately preceding his transfer, and (2) an amount equal to the equalization factor (as defined in this subsection); but in no event shall the rate so established exceed the maximum rate of such grade. As used in this section, the term "equalization factor" means an amount determined by the Secretary to be equal to the sum of (A) 6½ per centum of such basic pay and (B) the amount of Federal income tax which the transferring

officer, had he remained a commissioned officer, would have been required to pay on such allowances for quarters and subsistence for the taxable year then current if they had not been tax free.

(h) A transferring officer who has had one or more years of commissioned service in the Public Health Service immediately prior to his transfer under subsection (b) shall, on the date of such transfer, be credited with thirteen days of sick leave.

(i) Notwithstanding the provisions of any other law, any commissioned officer of the United States Public Health Service with twenty-five or more years of service who has held the temporary rank of Assistant Surgeon General in the Division of Water Supply and Pollution Control of the United States Public Health Service for three or more years and whose position and duties are affected by this Act, may, with the approval of the President, voluntarily retire from the United States Public Health Service with the same retirement benefits that would accrue to him if he had held the rank of Assistant Surgeon General for a period of four years or more if he so retires within ninety days of the date of the establishment of the Federal Water Pollution Control Administration.

(j) Nothing contained in this section shall be construed to restrict or in any way limit the head of the Federal Water Pollution Control Administration in matters of organization or in otherwise carrying out his duties under section 2 of this Act as he deems appropriate to the discharge of the functions of such Administration.

(k) The Surgeon General shall be consulted by the head of the Administration on the public health aspects relating to water pollution over which the head of such Administration has administrative responsibility.

SEC. 3. Such Act is further amended by inserting after the section redesignated as section 5 a new section as follows:

"GRANTS FOR RESEARCH AND DEVELOPMENT

"SEC. 6. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes, and for the purpose of reports, plans, and specifications in connection therewith. The Secretary is authorized to provide for the conduct of research and demonstrations relating to new or improved methods of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes, by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes, except that not to exceed 25 per centum of the total amount appropriated under authority of this section for any fiscal year may be expended under authority of this sentence during such fiscal year.

"(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by an appropriate State water pollution control agency or agencies and by the Secretary; (2) no grant shall be made for any project in an amount exceeding 50 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made for any project under this section

unless the Secretary determines that such project will serve as a useful demonstration of a new or improved method of controlling the discharge into any water of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes.

"(c) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1966, and for each of the next three succeeding fiscal years, the sum of \$20,000,000 per fiscal year for the purposes of this section. Sums so appropriated shall remain available until expended. No grant or contract shall be made for any project in an amount exceeding 5 per centum of the total amount authorized by this section in any one fiscal year."

SEC. 4. (a) Clause (2) of subsection (b) of the section of the Federal Water Pollution Control Act herein redesignated as section 8 is amended by striking out "\$600,000," and inserting in lieu thereof "\$1,200,000,".

(b) The second proviso in clause (2) of subsection (b) of such redesignated section 8 is amended by striking out "\$2,400,000," and inserting in lieu thereof "\$4,800,000,".

(c) Subsection (b) of such redesignated section 8 is amended by adding at the end thereof the following: "The limitations of \$1,200,000 and \$4,800,000 imposed by clause (2) of this subsection shall not apply in the case of grants made under this section from funds allocated under the third sentence of subsection (c) of this section if the State agrees to match equally all Federal grants made from such allocation for projects in such State."

(d)(1) The second sentence of subsection (c) of such redesignated section 8 is amended by striking out "for any fiscal year" and inserting in lieu thereof "for each fiscal year ending on or before June 30, 1965, and the first \$100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965,".

(2) Subsection (c) of such redesignated section 8 is amended by inserting immediately after the period at the end of the second sentence thereof the following: "All sums in excess of \$100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States."

(3) The third sentence of subsection (c) of such redesignated section 8 is amended by striking out "the preceding sentence" and inserting in lieu thereof "the two preceding sentences".

(4) The next to the last sentence of subsection (c) of such redesignated section 8 is amended by striking out "and third" and inserting in lieu thereof ", third, and fourth".

(e) The last sentence of subsection (d) of such redesignated section 8 is amended to read as follows: "Sums so appropriated shall remain available until expended. At least 50 per centum of the funds so appropriated for each fiscal year ending on or before June 30, 1965, and at least 50 per centum of the first \$100,000,000 so appropriated for each fiscal year beginning on or after July 1, 1965, shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under."

(f) Subsection (d) of such redesignated section 8 is amended by striking out "\$100,000,000 for the fiscal year ending June 30, 1966, and \$100,000,000 for the fiscal year ending June 30, 1967." and inserting in lieu

thereof "\$150,000,000 for the fiscal year ending June 30, 1966, and \$150,000,000 for the fiscal year ending June 30, 1967."

(g) Subsection (f) of such redesignated section 8 is redesignated as subsection (g) thereof and is amended by adding at the end thereof the following new sentence: "The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z—15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c)."

(h) Such redesignated section 8 is further amended by inserting therein, immediately after subsection (e) thereof, the following new subsection:

"(f) Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant made under subsection (b) of this section by an additional 10 per centum of the amount of such grant for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term 'metropolitan area' means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof."

SEC. 5. (a) Redesignated section 10 of the Federal Water Pollution Control Act is amended by redesignating subsections (c) through (i) as subsections (d) through (j), and by inserting after subsection (b) the following new subsection:

"(c)(1) If the Governor of a State or a State water pollution control agency files, within one year after the date of enactment of this subsection, a letter of intent that such State, after public hearings, will before June 30, 1967, adopt (A) water quality criteria applicable to interstate waters or portions thereof within such State, and (B) a plan for the implementation and enforcement of the water quality criteria adopted, and if such criteria and plan are established in accordance with the letter of intent, and if the Secretary determines that such State criteria and plan are consistent with paragraph (3) of this subsection, such State criteria and plan shall thereafter be the water quality standards applicable to such interstate waters or portions thereof.

"(2) If a State does not (A) file a letter of intent or (B) establish water quality standards in accordance with paragraph (1) of this subsection, or if the Secretary or the Governor of any State affected by water quality standards established pursuant to this subsection desires a revision in such standards, the Secretary may, after reasonable notice and a conference of representatives of appropriate Federal departments and agencies, interstate agencies, States, municipalities and industries involved, prepare regulations setting forth standards of water quality to be appli-

cable to interstate waters or portions thereof. If, within six months from the date the Secretary publishes such regulations, the State has not adopted water quality standards found by the Secretary to be consistent with paragraph (3) of this subsection, or a petition for public hearing has not been filed under paragraph (4) of this subsection, the Secretary shall promulgate such standards.

"(3) Standards of quality established pursuant to this subsection shall be such as to protect the public health or welfare, enhance the quality of water and serve the purposes of this Act. In establishing such standards the Secretary, the Hearing Board, or the appropriate State authority shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.

"(4) If at any time prior to 30 days after standards have been promulgated under paragraph (2) of this subsection, the Governor of any State affected by such standards petitions the Secretary for a hearing, the Secretary shall call a public hearing, to be held in or near one or more of the places where the water quality standards will take effect, before a Hearing Board of five or more persons appointed by the Secretary. Each State which would be affected by such standards shall be given an opportunity to select one member of the Hearing Board. The Department of Commerce and other affected Federal departments and agencies shall each be given an opportunity to select a member of the Hearing Board and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. The members of the Board who are not officers or employees of the United States, while participating in the hearing conducted by such Hearing Board or otherwise engaged on the work of such Hearing Board, shall be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding \$100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently. Notice of such hearing shall be published in the Federal Register and given to the State water pollution control agencies, interstate agencies and municipalities involved at least 30 days prior to the date of such hearing. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether the standards published or promulgated by the Secretary should be approved or modified and transmit its findings to the Secretary. If the Hearing Board approves the standards as published or promulgated by the Secretary, the standards shall take effect on receipt by the Secretary of the Hearing Board's recommendations. If the Hearing Board recommends modifications in the standards as published or promulgated by the Secretary, the Secretary shall promulgate revised regulations setting forth standards of water quality in accordance with the Hearing Board's recommendations which will become effective immediately upon promulgation.

"(5) The discharge of matter into such interstate waters or portions thereof, which reduces the quality of such waters below the water quality standards established under this subsection (whether the matter causing or contributing to such reduction is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters), is subject to abatement in accordance with the provisions of paragraph (1) or (2) of subsection (g) of this section, except that at least 180 days before any abatement action is initiated under either paragraph (1) or

(2) of subsection (g) as authorized by this subsection, the Secretary shall notify the violators and other interested parties of the violation of such standards. In any suit brought under the provisions of this subsection the court shall receive in evidence a transcript of the proceedings of the conference and hearing provided for in this subsection, together with the recommendations of the conference and Hearing Board and the recommendations and standards promulgated by the Secretary, and such additional evidence, including that relating to the alleged violation of the standards, as it deems necessary to a complete review of the standards and to a determination of all other issues relating to the alleged violation. The court, giving due consideration to the practicability and to the physical and economic feasibility of complying with such standards, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require.

"(6) Nothing in this subsection shall (A) prevent the application of this section to any case to which subsection (a) of this section would otherwise be applicable, or (B) extend Federal jurisdiction over water not otherwise authorized by this Act.

"(7) In connection with any hearings under this section no witness or any other person shall be required to divulge trade secrets or secret processes."

(b) Paragraph (1) of subsection (d) of the section of the Federal Water Pollution Control Act herein redesignated as section 10 is amended by striking out the final period after the third sentence of such subsection and inserting the following in lieu thereof: "; or he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities."

SEC. 6. The section of the Federal Water Pollution Control Act hereinbefore redesignated as section 12 is amended by adding at the end thereof the following new subsections:

"(d) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(e) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act."

SEC. 7. (a) Section 7(f)(6) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 6(b)(4)." as contained therein and inserting in lieu thereof "section 8(b)(4)."

(b) Section 8 of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 5" as contained therein and inserting in lieu thereof "section 7".

(c) Section 10(b) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "subsection (g)" and inserting in lieu thereof "subsection (h)".

(d) *Section 10(i) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "subsection (e)" and inserting in lieu thereof "subsection (f)".*

(e) *Section 11 of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 8(c)(3)" and inserting in lieu thereof "section 10(d)(3)" and by striking out "section 8(e)" and inserting in lieu thereof "section 10(f)".*

SEC. 8. This Act may be cited as the "Water Quality Act of 1965".

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title and agree to the same.

GEORGE H. FALLON,
JOHN A. BLATNIK,
ROBT. E. JONES,
WILLIAM C. CRAMER,
JOHN F. BALDWIN,

Managers on the Part of the House.

EDMUND S. MUSKIE,
JENNINGS RANDOLPH,
FRANK E. MOSS,
J. CALEB BOGGS,
JAMES B. PEARSON,

Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4) to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment strikes out all of the Senate bill after the enacting clause and inserts a substitute. The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the House amendment and the substitute agreed to in conference are noted in the following outline, except for technical and clerical corrections and changes.

ASSISTANT SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Both the Senate bill and the House amendment in subsection (b) of the first section thereof provide for an additional Assistant Secretary of Health, Education, and Welfare to assist the Secretary of Health, Education, and Welfare in administering this act.

The conference substitute makes certain technical revisions in the language establishing this additional Assistant Secretary necessary because of the enactment of the Health Research Facilities Amendments of 1965. These amendments are technical in nature only.

The conferees wish to indicate the importance they believe should be placed on this reorganization of the water pollution control program within the Department of Health, Education, and Welfare. This new Assistant Secretary of Health, Education, and Welfare and the Administrator of the new Federal Water Pollution Control Administration should be individuals of the highest caliber with the finest possible background in the field of water pollution, so that this program can be accelerated and real progress can begin to be made in reducing the pollution of the streams of this Nation.

WATER QUALITY STANDARDS

The Senate bill in subsection (b) of section 5 amends redesignated section 10 of the Federal Water Pollution Control Act by adding thereto a new subsection (c) which authorizes the Secretary of Health, Education, and Welfare to establish standards of water quality to be applicable to interstate waters or portions thereof.

These standards are to be formulated in accordance with administrative procedures calling for notice and public hearing, consultation with affected Federal, State, interstate, and local interests, and are required to be such as to protect the public health or welfare and otherwise generally to enhance the quality and value of interstate waters. These standards would also be subject to revision either by the Secretary on his own motion or when petitioned for revision by the Governor of any affected State. The same procedure for hearing and consultation would be followed in revisions as when standards were originally being formulated. The Senate bill further directs the Secretary to promulgate standards only if the appropriate State and interstate agencies have not developed standards which he finds consistent with the purposes of the section within a reasonable time after being requested by the Secretary to do so. Once the Secretary has promulgated water quality standards or there have been standards established by State or interstate agencies consistent with the section, any discharge of matter which reduces the quality of the waters below the established standards is made subject to abatement under the existing enforcement procedures provided in the Federal Water Pollution Control Act.

Subsection (a) of section 5 of the House amendment amends redesignated section 7(f) of the Federal Water Pollution Control Act by adding at the end thereof a new clause (7) which provides that each State, within 90 days after the date of enactment of the bill, is to file with the Secretary a letter of intent that such State will establish water quality criteria applicable to interstate waters or portions thereof within its jurisdiction on or before June 30, 1967. Failure to file such a letter of intent would preclude the State from receiving any further funds under the Federal Water Pollution Control Act until such time as such a letter is filed.

Section 5(a) of the proposed conference substitute would amend redesignated section 10 of the Federal Water Pollution Control Act to add to that section a new subsection (c).

Paragraph (1) of this new subsection provides that if the Governor of a State or a State water pollution control agency files within 1 year after date of enactment of the subsection a letter of intent that such State after public hearings will before June 30, 1967, adopt water quality criteria applicable to interstate waters or portions thereof within such State and a plan to implement and enforce such criteria and if the Secretary determines that such criteria and plan are consistent with paragraph (3) of the subsection, then the State criteria and plan will thereafter be the water quality standards applicable to those interstate waters or portions thereof.

Paragraph (2) of the new subsection provides that if a State does not file a letter of intent or establish water quality standards under paragraph (1) or if the Secretary or Governor of any affected State wants a revision of the standards then the Secretary may after having given a reasonable notice and having had a conference of representatives of appropriate Federal departments and agencies, interstate agencies, States, municipalities, and affected industries, prepare and publish regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof. The Secretary may promulgate standards 6 months after the date he publishes his regulations unless within that period the State has adopted water quality standards which the Secretary finds to be consistent with

paragraph (3) of this subsection or a petition for a public hearing has been filed under paragraph (4) of this subsection.

Paragraph (4) of this subsection provides that if the Governor of any State affected by the standards petitions the Secretary for a hearing at any time after the regulations have been published and prior to 30 days after standards have been promulgated under paragraph (2), the Secretary is required to call a public hearing. This public hearing is to be held in or near one or more of the places where the standards will take effect and is to be before a hearing board consisting of at least five persons. The members of the hearing board are to be appointed by the Secretary. However, each affected State may select one member and the Department of Commerce and other affected agencies may each select one member. There is a further restriction that at least a majority of the hearing board must be persons other than officers or employees of the Department of Health, Education, and Welfare. The conferees expect that the Secretary will appoint at least one public member of each hearing board who will be from the area to be directly affected by the standards. Further, the conferees intend that the Secretary in appointing hearing boards will insure a proper balance between all affected interests. Paragraph (4) provides that members of the hearing board who are not officers or employees of the United States will receive compensation at a rate not to exceed \$100 per diem as well as travel expenses while away from their homes or regular places of business all in accordance with provisions of applicable law. Notice of the public hearing is to be published in the Federal Register and is to be given to the State water pollution agencies, interstate agencies, and municipalities involved at least 30 days before the hearing. After the evidence has been presented and on the basis thereof the hearing board is required to make findings as to whether the Secretary's standards should be approved or modified, and to transmit its findings to the Secretary. If the hearing board approves the standards as published or promulgated, they take effect when the Secretary receives the hearing board's recommendations. If modifications are recommended, the Secretary is required to promulgate revised regulations setting forth standards in accordance with the recommendations and these revised regulations will take effect immediately upon their promulgation.

Paragraph (5) of the new subsection provides that the discharge of matter into interstate waters or portions thereof which reduce their quality below the applicable standard (whether the matter is discharged directly into the waters or reaches the waters after discharging into tributaries thereof) is subject to abatement in accordance with either paragraph (1) or (2) of subsection (g) of this section whichever of those paragraphs is applicable. However, before abatement is initiated under either paragraph (1) or (2) of subsection (g) the Secretary is required to notify the violators and other interested parties of the violation of the standards and at least 180 days must elapse so that there may be voluntary compliance. The conferees intend that during such period the Secretary should afford an opportunity for an informal hearing before himself or such hearing officer or board as he may appoint relative to the alleged violation of standards, upon the request of any affected State, alleged violator, or other interested party, so that if possible there can be voluntary agreement reached during this period, thus eliminating the necessity for suit. In any

suit brought to secure abatement of pollution under this subsection the court is required to receive in evidence a transcript of the conference and hearing provided for in this subsection, the recommendations of the conference and the hearing board and the recommendations and standards promulgated by the Secretary and such additional evidence including that related to the alleged violation of the standards as the court deems necessary to a complete review of the standards as well as a determination of all other issues relating to the alleged violation. The court is given jurisdiction to enter whatever judgment and orders the public interest and equities of the case may require after having given due consideration to the practicability and to the physical and economic feasibility of complying with the applicable standards. The existing enforcement procedures in the present Water Pollution Control Act which consist of three stages, conference, public hearings, and court action, will continue to be applicable for enforcing the abatement of pollution which endangers the health or welfare of persons.

Paragraph (3) of this subsection requires standards of water quality established pursuant to this subsection to be such as to protect the public health or welfare, enhance water quality and generally to serve the purposes of the act. In establishing such standards the Secretary, hearing board, or State, as the case may be, is required to take into consideration their use and value for water supply, propagation of fish and wildlife, recreation, agriculture, industrial, and other legitimate uses.

Paragraph (6) of this subsection provides that this subsection is not to prevent the application of section 10 of the Federal Water Pollution Control Act in any case to which subsection (a) of section 10 would otherwise be applicable, or to extend Federal jurisdiction over water not otherwise authorized by this act.

Paragraph (7) of this subsection prohibits any witness or other person from being required to divulge in connection with any hearing under this section any trade secrets or secret processes.

SUBPENA POWER IN ENFORCEMENT ACTIONS

Subsection (c) of section 5 of the House amendment amends redesignated section 10(e) of the Federal Water Pollution Control Act to add a new sentence which authorizes the Secretary in an enforcement action to administer oaths and to compel the presence and testimony of witnesses and the production of evidence by the issuance of subpoenas. It further provides that no person would be required to divulge trade secrets or secret processes and provides for payment of witness fees, mileage, and for the enforcement of subpoenas by district courts of the United States.

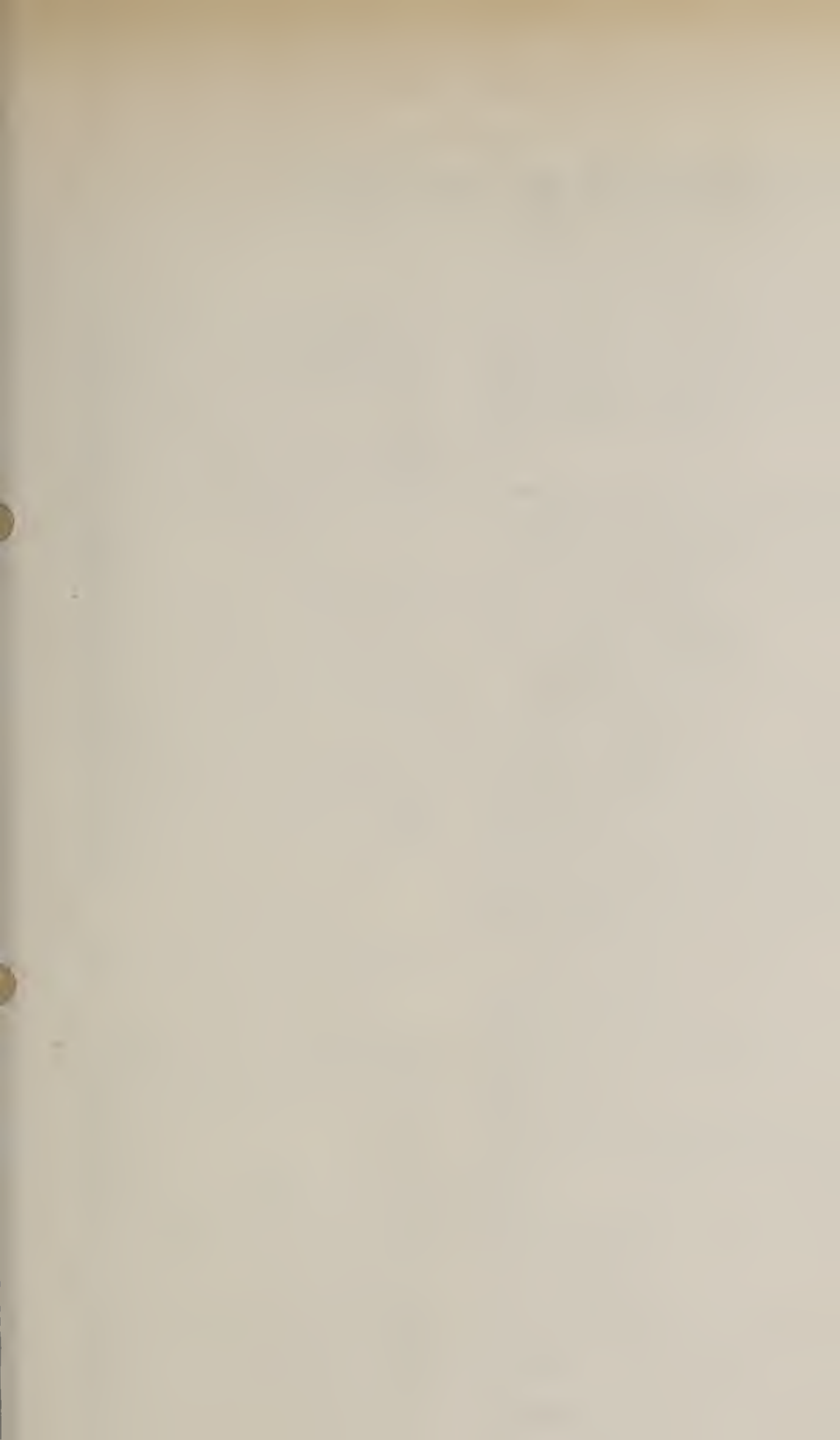
The proposed conference substitute does not contain such a provision.

CONFORMING AMENDMENTS

Section 7 of the proposed conference substitute contains a number of technical conforming changes in the Federal Water Pollution Control Act made necessary by the amendments otherwise made by the conference substitute.

GEORGE H. FALLON,
JOHN A. BLATNIK,
ROBT. E. JONES,
WILLIAM C. CRAMER,
JOHN F. BALDWIN,
Managers on the Part of the House.

○



House of Representatives

FRIDAY, SEPTEMBER 17, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., used this verse of Scripture: I Corinthians 13: 13: *And now abideth faith, hope, and charity, these three; but the greatest of these is charity.*

Almighty God, our help in ages past, our hope for years to come, we thank Thee for the heritage of our beloved country which Thou didst lead through many difficulties and dangers to this day, and keep us in the highway of a divine mission.

We beseech Thee to awaken our minds and hearts with the wonder of Thy eternal presence and teach us to hush the beating of our own hearts that we may hear Thy voice in the storms and tumult of our days.

Give us a new sense of Thy power, when we are torn by dismay and despair, to guide us safely through the upheavals of these perilous times.

May our President, the Speaker, and all the Members of the Congress have an unwavering trust in Thee as they serve Thy cause of good will in the world where there is so much hatred and confusion.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the Senate of the following title, in which the concurrence of the House is requested:

S. 2084. An act to provide for scenic development and road beautification of the Federal-aid highway systems.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 1483. An act to provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 618) entitled "An act for the relief of Nora Isabella Samuelli."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 602) entitled

"An act to amend the Small Reclamation Projects Act of 1956," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. BIBLE, Mr. MOSS, Mr. KUCHEL, and Mr. ALLOTT to be the conferees on the part of the Senate.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works, which was referred to the Committee on Appropriations:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 10, 1965.

Hon. JOHN W. McCORMACK,
Speaker of the House,
The Capitol, Washington, D.C.

MY DEAR MR. SPEAKER: Pursuant to the provisions of section 7(a) of the Public Buildings Act of 1959 for the construction and alteration of public buildings, and pursuant to the provisions of the Independent Offices Appropriation Act of 1965 for lease construction, the Committee on Public Works of the House of Representatives on September 9, 1965, approved prospectuses for the following projects which were transmitted to this committee from the General Services Administration:

CONSTRUCTION OF NEW BUILDINGS

California: Van Nuys (1) post office, (2) Federal office building.
Connecticut: New Haven, post office, courthouse, Federal office building.
Delaware: Dover, Federal office building.
Louisiana: Houma, post office, Federal office building.
Michigan: Saginaw, Federal office building.
New York: New York, Court of Appeals.
Ohio: Akron, (1) post office, (2) courthouse, Federal office building; Dayton, (1) post office, (2) courthouse, Federal office building.
Puerto Rico: San Juan, (1) courthouse, Federal office building, (2) warehouse and motor vehicle facility.
Virginia: Quantico, FBI Academy.
Total: 14 projects.

ALTERATION PROJECTS

Ohio: Cincinnati, post office annex.
Oklahoma: Oklahoma City, post office, courthouse.
Washington: Seattle, Federal office building.
Washington, D.C.: Executive office building.
Total: Four projects.

LEASED OFFICE PROJECTS

Missouri: Columbia, Department of Agriculture (see attached amendment).
New York: New York, Bureau of Customs (World Trade Center).
Total: Two projects.

Sincerely yours,

GEORGE H. FALLON,
Chairman.

AMENDMENT TO PROSPECTUS FOR COLUMBIA, MO.

All necessary Federal agencies which are to be housed within the proposed building will be located therein, with the exception of the Federal Crop Insurance Agency, located at Sedalia, Mo., which will remain at its present location.

CALL OF THE HOUSE

Mr. HALEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 305]

| | | |
|---------------|--------------|----------------|
| Adair | Gilligan | Rivers, Alaska |
| Anderson, | Gray | Rivers, S.C. |
| Tenn. | Hanna | Roncalio |
| Andrews, | Hansen, Iowa | Rooney, Pa. |
| George W. | Hébert | Roudebush |
| Arends | Ichord | Roybal |
| Berry | Karth | Senner |
| Bolton | Latta | Shipley |
| Bonner | McClory | Smith, Iowa |
| Brown, Calif. | Mackay | Smith, N.Y. |
| Cahill | Mackie | Sullivan |
| Clark | May | Taylor |
| Clawson, Del | Miller | Thomas |
| Craley | Moeller | Thompson, Tex. |
| Dawson | Morris | Todd |
| Evins, Tenn. | Morse | Toll |
| Fallon | Nelsen | Tunney |
| Farnsley | Olsen, Mont. | Tupper |
| Fino | Ottinger | Van Deerlin |
| Foley | Pepper | Vigorito |
| Ford | Powell | Widnall |
| William D. | Pucinski | Wilson, Bob |
| Gallagher | Reifel | |

The SPEAKER. On this rollcall 368 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMITTEE ON PUBLIC WORKS

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tonight to file a conference report on S. 4, the water pollution control bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. CRAMER. Mr. Speaker, reserving the right to object—and I do not intend to object—I should like to say that I agree with the request of the gentleman. I believe this a matter finally getting here for final decision which should have been here a long time ago before the House.

I have consistently, as ruling Republican of the House conferees, insisted upon

our holding conferences in respect to water pollution. This matter went to conference way back in May. Unfortunately, the attitude of the other body was rather unyielding. We have finally come up with a conference which shows some willingness to give and take, to reach a consensus, and to exercise our legislative judgment. I would say to the gentleman from Minnesota and to the House—and I say this with regard to the minority and the majority, as well as the other body—it is most unfortunate that a similar attitude of willingness to give and take, to try to come up with a consensus and to do what is right, has not prevailed this week so far as the highway beautification bill which is being demanded by certain parties in the executive branch of the Government is concerned and this is because of executive interference. I would hope that a similar attitude would prevail in our committee relating to this matter as existed on water pollution. On S. 4, the water pollution bill, as amended in the House was, after successful bipartisan draftsmanship, the House worked unanimously for. This was accomplished because we were permitted to work our will—not dictated to by the White House or the Executive.

I will say frankly that I have never before seen such pressures and arm twisting from the executive branch of the Government in my experience in the House of Representatives, as I have seen with respect to the highway beautification bill. I hope the Executive will withdraw the pressure troops that have swarmed over the Hill this week and will give us an opportunity to work our will over this weekend. Congress should not be a rubberstamp for the Executive, and especially when this week's Executive interference with the proper legislative process has resulted in the Senate passing a wholly unworkable bill and resulting in passing Executive dictated amendment that do not make sense and that are unworkable.

For instance, the Senate took verbatim section 131(b) so that 10 percent of State highway funds will be withheld upon noncompliance "when payable" and thus would include some \$7 billion in unpaid vouchers for work already completed but unpaid even though some of this construction was completed some 10 years ago. How stupid. Yet the Executive demands our rubber stamping such obviously unfair amendments.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 1022)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4) to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality

to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That (a)(1) section 1 of the Federal Water Pollution Control Act (33 U.S.C. 466) is amended by inserting after the words 'SECTION 1.' a new subsection (a) as follows:

"(a) The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution."

"(2) Such section is further amended by redesignating subsections (a) and (b) thereof as (b) and (c), respectively.

"(3) Subsection (b) of such section (as redesignated by paragraph (2) of this subsection) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: 'The Secretary of Health, Education, and Welfare (hereinafter in this Act called "Secretary") shall administer this Act through the Administration created by section 2 of this Act, and with the assistance of an Assistant Secretary of Health, Education, and Welfare designated by him, shall supervise and direct (1) the head of such Administration in administering this Act and (2) the administration of all other functions of the Department of Health, Education, and Welfare related to water pollution. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe.'

"(b) There shall be in the Department of Health, Education, and Welfare, in addition to the Assistant Secretaries now provided for by law, one additional Assistant Secretary of Health, Education, and Welfare who shall be appointed by the President, by and with the advice and consent of the Senate. The provisions of section 2 of Reorganization Plan Numbered 1 of 1953 (67 Stat. 631) shall be applicable to such additional Assistant Secretary to the same extent as they are applicable to the Assistant Secretaries authorized by that section. Paragraph (17) of section 303(d) of the Federal Executive Salary Act of 1964 (78 Stat. 418) is amended by striking out '(5)' before the period at the end thereof and inserting in lieu thereof '(6)'."

"SEC. 2. (a) Such Act is further amended by redesignating sections 2 through 4, and references thereto, as sections 3 through 5, respectively, sections 5 through 14, as sections 7 through 16, respectively, by inserting after section 1 the following new section:

"FEDERAL WATER POLLUTION CONTROL ADMINISTRATION"

"SEC. 2. Effective ninety days after the date of enactment of this section there is created within the Department of Health, Education, and Welfare a Federal Water Pollution Control Administration (hereinafter in this Act referred to as the "Administration"). The head of the Administration shall be appointed, and his compensation fixed, by the Secretary. The head of the Administration may, in addition to regular staff of the Administration, which shall be initially provided from the personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions; and he may delegate any of his functions to, or otherwise authorize their performance by, any officer or employee

of, or assigned or detailed to, the Administration."

"(b) Subject to such requirements as the Civil Service Commission may prescribe, any commissioned officer of the Public Health Service who, on the day before the effective date of the establishment of the Federal Water Pollution Control Administration, was, as such officer, performing functions relating to the Federal Water Pollution Control Act may acquire competitive civil service status and be transferred to a classified position in the Administration if he so transfers within six months (or such further period as the Secretary of Health, Education, and Welfare may find necessary in individual cases) after such effective date. No commissioned officer of the Public Health Service may be transferred to the Administration under this section if he does not consent to such transfer. As used in this section, the term 'transferring officer' means an officer transferred in accordance with this subsection."

"(c)(1) The Secretary shall deposit in the Treasury of the United States to the credit of the civil service retirement and disability fund, on behalf of and to the credit of each transferring officer, an amount equal to that which such individual would be required to deposit in such fund to cover the years of service credited to him for purposes of his retirement as a commissioned officer of the Public Health Service to the date of his transfer as provided in subsection (b), but only to the extent that such service is otherwise creditable under the Civil Service Retirement Act. The amount so required to be deposited with respect to any transferring officer shall be computed on the basis of the sum of his basic pay, allowance for quarters, and allowance for subsistence and, in the case of a medical officer, his special pay, during the years of service so creditable, including all such years after June 30, 1960."

"(2) The deposits which the Secretary of Health, Education, and Welfare is required to make under this subsection with respect to any transferring officer shall be made within two years after the date of his transfer as provided in subsection (b), and the amounts due under this subsection shall include interest computed from the period of service credited to the date of payment in accordance with section 4(e) of the Civil Service Retirement Act (5 U.S.C. 2254(e))."

"(d) All past service of a transferring officer as a commissioned officer of the Public Health Service shall be considered as civilian service for all purposes under the Civil Service Retirement Act, effective as of the date any such transferring officer acquires civil service status as an employee of the Federal Water Pollution Control Administration; however, no transferring officer may become entitled to benefits under both the Civil Service Retirement Act and title II of the Social Security Act based on service as such a commissioned officer performed after 1956, but the individual (or his survivors) may irrevocably elect to waive benefit credit for the service under one Act to secure credit under the other."

"(e) A transferring officer on whose behalf a deposit is required to be made by subsection (c) and who, after transfer to a classified position in the Federal Water Pollution Control Administration under subsection (b), is separated from Federal service or transfers to a position not covered by the Civil Service Retirement Act, shall not be entitled, nor shall his survivors be entitled, to a refund of any amount deposited on his behalf in accordance with this section. In the event he transfers, after transfer under subsection (b), to a position covered by another Government staff retirement system under which credit is allowable for service with respect to which a deposit is required under subsection (c), no credit shall be al-

lowed under the Civil Service Retirement Act with respect to such service.

"(f) Each transferring officer who prior to January 1, 1957, was insured pursuant to the Federal Employees' Group Life Insurance Act of 1954, and who subsequently waived such insurance, shall be entitled to become insured under such Act upon his transfer to the Federal Water Pollution Control Administration regardless of age and insurability.

"(g) Any commissioned officer of the Public Health Service who, pursuant to subsection (b) of this section, is transferred to a position in the Federal Water Pollution Control Administration which is subject to the Classification Act of 1949, as amended, shall receive a salary rate of the General Schedule grade of such position which is nearest to but not less than the sum of (1) basic pay, quarters and subsistence allowances, and, in the case of a medical officer, special pay, to which he was entitled as a commissioned officer of the Public Health Service on the day immediately preceding his transfer, and (2) an amount equal to the equalization factor (as defined in this subsection); but in no event shall the rate so established exceed the maximum rate of such grade. As used in this section, the term 'equalization factor' means an amount determined by the Secretary to be equal to the sum of (A) 6½ per centum of such basic pay and (B) the amount of Federal income tax which the transferring officer, had he remained a commissioned officer, would have been required to pay on such allowances for quarters and subsistence for the taxable year then current if they had not been tax free.

"(h) A transferring officer who has had one or more years of commissioned service in the Public Health Service immediately prior to his transfer under subsection (b) shall, on the date of such transfer, be credited with thirteen days of sick leave.

"(i) Notwithstanding the provisions of any other law, any commissioned officer of the United States Public Health Service with twenty-five or more years of service who has held the temporary rank of Assistant Surgeon General in the Division of Water Supply and Pollution Control of the United States Public Health Service for three or more years and whose position and duties are affected by this Act, may, with the approval of the President, voluntarily retire from the United States Public Health Service with the same retirement benefits that would accrue to him if he had held the rank of Assistant Surgeon General for a period of four years or more if he so retires within ninety days of the date of the establishment of the Federal Water Pollution Control Administration.

"(j) Nothing contained in this section shall be construed to restrict or in any way limit the head of the Federal Water Pollution Control Administration in matters of organization or in otherwise carrying out his duties under section 2 of this Act as he deems appropriate to the discharge of the functions of such Administration.

"(k) The Surgeon General shall be consulted by the head of the Administration on the public health aspects relating to water pollution over which the head of such Administration has administrative responsibility.

"SEC. 3. Such Act is further amended by inserting after the section redesignated as section 5 a new section as follows:

"GRANTS FOR RESEARCH AND DEVELOPMENT

"SEC. 6. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from sewers

which carry storm water or both storm water and sewage or other wastes, and for the purpose of reports, plans, and specifications in connection therewith. The Secretary is authorized to provide for the conduct of research and demonstrations relating to new or improved methods of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes, by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes, except that not to exceed 25 per centum of the total amount appropriated under authority of this section for any fiscal year may be expended under authority of this sentence during such fiscal year.

"(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by an appropriate State water pollution control agency or agencies and by the Secretary; (2) no grant shall be made for any project in an amount exceeding 50 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration of a new or improved method of controlling the discharge into any water of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes.

"(c) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1966, and for each of the next three succeeding fiscal years, the sum of \$20,000,000 per fiscal year for the purposes of this section. Sums so appropriated shall remain available until expended. No grant or contract shall be made for any project in an amount exceeding 5 per centum of the total amount authorized by this section in any one fiscal year.

"SEC. 4. (a) Clause (2) of subsection (b) of the section of the Federal Water Pollution Control Act herein redesignated as section 8 is amended by striking out '\$600,000,' and inserting in lieu thereof '\$1,200,000,'.

"(b) The second proviso in clause (2) of subsection (b) of such redesignated section 8 is amended by striking out '\$2,400,000,' and inserting in lieu thereof '\$4,800,000,'.

"(c) Subsection (b) of such redesignated section 8 is amended by adding at the end thereof the following: 'The limitations of \$1,200,000 and \$4,800,000 imposed by clause (2) of this subsection shall not apply in the case of grants made under this section from funds allocated under the third sentence of subsection (c) of this section if the State agrees to match equally all Federal grants made from such allocation for projects in such State.'

"(d) (1) The second sentence of subsection (c) of such redesignated section 8 is amended by striking out 'for any fiscal year' and inserting in lieu thereof 'for each fiscal year ending on or before June 30, 1965, and the first \$100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965,'.

"(2) Subsection (c) of such redesignated section 8 is amended by inserting immediately after the period at the end of the second sentence thereof the following: 'All sums in excess of \$100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States.'

"(3) The third sentence of subsection (c) of such redesignated section 8 is amended by

striking out 'the preceding sentence' and inserting in lieu thereof 'the two preceding sentences'.

"(4) The next to the last sentence of subsection (c) of such redesignated section 8 is amended by striking out 'and third' and inserting in lieu thereof 'third, and fourth'.

"(e) The last sentence of subsection (d) of such redesignated section 8 is amended to read as follows: 'Sums so appropriated shall remain available until expended. At least 50 per centum of the funds so appropriated for each fiscal year ending on or before June 30, 1965, and at least 50 per centum of the first \$100,000,000 so appropriated for each fiscal year beginning on or after July 1, 1965, shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under.'

"(f) Subsection (d) of such redesignated section 8 is amended by striking out '\$100,000,000 for the fiscal year ending June 30, 1966, and \$100,000,000 for the fiscal year ending June 30, 1967,' and inserting in lieu thereof '\$150,000,000 for the fiscal year ending June 30, 1966, and \$150,000,000 for the fiscal year ending June 30, 1967.'

"(g) Subsection (f) of such redesignated section 8 is redesignated as subsection (g) thereof and is amended by adding at the end thereof the following new sentence: 'The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).'

"(h) Such redesignated section 8 is further amended by inserting therein, immediately after subsection (e) thereof, the following new subsection:

"(f) Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant made under subsection (b) of this section by an additional 10 per centum of the amount of such grant for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term "metropolitan area" means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof.'

"SEC. 5. (a) Redesignated section 10 of the Federal Water Pollution Control Act is amended by redesignating subsections (c) through (i) as subsections (d) through (j), and by inserting after subsection (b) the following new subsection:

"(c) (1) If the Governor of a State or a State water pollution control agency files, within one year after the date of enactment of this subsection, a letter of intent that such State, after public hearings, will before June 30, 1967, adopt (A) water quality criteria applicable to interstate waters or

portions thereof within such State, and (B) a plan for the implementation and enforcement of the water quality criteria adopted, and if such criteria and plan are established in accordance with the letter of intent, and if the Secretary determines that such State criteria and plan are consistent with paragraph (3) of this subsection, such State criteria and plan shall thereafter be the water quality standards applicable to such interstate waters or portions thereof.

"(2) If a State does not (A) file a letter of intent or (B) establish water quality standards in accordance with paragraph (1) of this subsection, or if the Secretary or the Governor of any State affected by water quality standards established pursuant to this subsection desires a revision in such standards, the Secretary may, after reasonable notice and a conference of representatives of appropriate Federal departments and agencies, interstate agencies, States, municipalities and industries involved, prepare regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof. If, within six months from the date the Secretary publishes such regulations, the State has not adopted water quality standards found by the Secretary to be consistent with paragraph (3) of this subsection, or a petition for public hearing has not been filed under paragraph (4) of this subsection, the Secretary shall promulgate such standards.

"(3) Standards of quality established pursuant to this subsection shall be such as to protect the public health or welfare, enhance the quality of water and serve the purposes of this Act. In establishing such standards the Secretary, the Hearing Board, or the appropriate State authority shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.

"(4) If at any time prior to 30 days after standards have been promulgated under paragraph (2) of this subsection, the Governor of any State affected by such standards petitions the Secretary for a hearing, the Secretary shall call a public hearing, to be held in or near one or more of the places where the water quality standards will take effect, before a Hearing Board of five or more persons appointed by the Secretary. Each State which would be affected by such standards shall be given an opportunity to select one member of the Hearing Board. The Department of Commerce and other affected Federal departments and agencies shall each be given an opportunity to select a member of the Hearing Board and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. The members of the Board who are not officers or employees of the United States, while participating in the hearing conducted by such Hearing Board or otherwise engaged on the work of such Hearing Board, shall be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding \$100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently. Notice of such hearing shall be published in the Federal Register and given to the State water pollution control agencies, interstate agencies and municipalities involved at least 30 days prior to the date of such hearing. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether the standards published or promulgated by the Secretary should be approved or modified and transmit its findings to the Secretary. If the Hearing Board approves the standards as published or promul-

gated by the Secretary, the standards shall take effect on receipt by the Secretary of the Hearing Board's recommendations. If the Hearing Board recommends modifications in the standards as published or promulgated by the Secretary, the Secretary shall promulgate revised regulations setting forth standards of water quality in accordance with the Hearing Board's recommendations which will become effective immediately upon promulgation.

"(5) The discharge of matter into such interstate waters or portions thereof, which reduces the quality of such waters below the water quality standards established under this subsection (whether the matter causing or contributing to such reduction is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters), is subject to abatement in accordance with the provisions of paragraph (1) or (2) of subsection (g) of this section, except that at least 180 days before any abatement action is initiated under either paragraph (1) or (2) of subsection (g) as authorized by this subsection, the Secretary shall notify the violators and other interested parties of the violation of such standards. In any suit brought under the provisions of this subsection the court shall receive in evidence a transcript of the proceedings of the conference and hearing provided for in this subsection, together with the recommendations of the conference and Hearing Board and the recommendations and standards promulgated by the Secretary, and such additional evidence, including that relating to the alleged violation of the standards, as it deems necessary to a complete review of the standards and to a determination of all other issues relating to the alleged violation. The court, giving due consideration to the practicability and to the physical and economic feasibility of complying with such standards, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require.

"(6) Nothing in this subsection shall (A) prevent the application of this section to any case to which subsection (a) of this section would otherwise be applicable, or (B) extend Federal jurisdiction over water not otherwise authorized by this Act.

"(7) In connection with any hearings under this section no witness or any other person shall be required to divulge trade secrets or secret processes."

"(b) Paragraph (1) of subsection (d) of the section of the Federal Water Pollution Control Act herein redesignated as section 10 is amended by striking out the final period after the third sentence of such subsection and inserting the following in lieu thereof: 'or he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities.'

"SEC. 6. The section of the Federal Water Pollution Control Act hereinbefore redesignated as section 12 is amended by adding at the end thereof the following new subsections:

"(d) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(e) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access

for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act."

"SEC. 7. (a) Section 7(f) (6) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out 'section 6(b) (4)' as contained therein and inserting in lieu thereof 'section 8(b) (4)'."

"(b) Section 8 of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out 'section 5' as contained therein and inserting in lieu thereof 'section 7'."

"(c) Section 10(b) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out 'subsection (g)' and inserting in lieu thereof 'subsection (h)'."

"(d) Section 10(i) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out 'subsection (e)' and inserting in lieu thereof 'subsection (f)'."

"(e) Section 11 of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out 'section 8(c) (3)' and inserting in lieu thereof 'section 10(d) (3)' and by striking out 'section 8(e)' and inserting in lieu thereof 'section 10(f)'."

"SEC. 8. This Act may be cited as the 'Water Quality Act of 1965'."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title and agree to the same.

GEORGE H. FALLON,
JOHN A. BLATNIK,
ROBT. E. JONES,
WILLIAM C. CRAMER,
JOHN F. BALDWIN,

Managers on the Part of the House.

EDMUND S. MUSKIE,
JENNINGS RANDOLPH,
FRANK E. MOSS,
J. CALEB BOGGS,
JAMES B. PEARSON,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4) to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment strikes out all of the Senate bill after the enacting clause and inserts a substitute. The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the House amendment and the substitute agreed to in conference are noted in the following outline, except for technical and clerical corrections and changes.

ASSISTANT SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Both the Senate bill and the House amendment in subsection (b) of the first section thereof provide for an additional Assistant Secretary of Health, Education, and Welfare to assist the Secretary of Health, Education, and Welfare in administering this act.

The conference substitute makes certain technical revisions in the language establish-

ing this additional Assistant Secretary necessary because of the enactment of the Health Research Facilities Amendments of 1965. These amendments are technical in nature only.

The conferees wish to indicate the importance they believe should be placed on this reorganization of the water pollution control program within the Department of Health, Education, and Welfare. This new Assistant Secretary of Health, Education, and Welfare and the Administrator of the new Federal Water Pollution Control Administration should be individuals of the highest caliber with the finest possible background in the field of water pollution, so that this program can be accelerated and real progress can begin to be made in reducing the pollution of the streams of this Nation.

WATER QUALITY STANDARDS

The Senate bill in subsection (b) of section 5 amends redesignated section 10 of the Federal Water Pollution Control Act by adding thereto a new subsection (c) which authorizes the Secretary of Health, Education, and Welfare to establish standards of water quality to be applicable to interstate waters or portions thereof. These standards are to be formulated in accordance with administrative procedures calling for notice and public hearing, consultation with affected Federal, State, interstate, and local interests, and are required to be such as to protect the public health or welfare and otherwise generally to enhance the quality and value of interstate waters. These standards would also be subject to revision either by the Secretary on his own motion or when petitioned for revision by the Governor of any affected State. The same procedure for hearing and consultation would be followed in revisions as when standards were originally being formulated. The Senate bill further directs the Secretary to promulgate standards only if the appropriate State and interstate agencies have not developed standards which he finds consistent with the purposes of the section within a reasonable time after being requested by the Secretary to do so. Once the Secretary has promulgated water quality standards or there have been standards established by State or interstate agencies consistent with the section, any discharge of matter which reduces the quality of the waters below the established standards is made subject to abatement under the existing enforcement procedures provided in the Federal Water Pollution Control Act.

Subsection (a) of section 5 of the House amendment amends redesignated section 7 (f) of the Federal Water Pollution Control Act by adding at the end thereof a new clause (7) which provides that each State, within 90 days after the date of enactment of the bill, is to file with the Secretary a letter of intent that such State will establish water quality criteria applicable to interstate waters or portions thereof within its jurisdiction on or before June 30, 1967. Failure to file such a letter of intent would preclude the State from receiving any further funds under the Federal Water Pollution Control Act until such time as such a letter is filed.

Section 5(a) of the proposed conference substitute would amend redesignated section 10 of the Federal Water Pollution Control Act to add to that section a new subsection (c).

Paragraph (1) of this new subsection provides that if the Governor of a State or a State water pollution control agency files within 1 year after date of enactment of the subsection a letter of intent that such State after public hearings will before June 30, 1967, adopt water quality criteria applicable to interstate waters or portions thereof within such State and a plan to implement and enforce such criteria and if the Secretary determines that such criteria and plan are consistent with paragraph (3) of the

subsection, then the State criteria and plan will thereafter be the water quality standards applicable to those interstate waters or portions thereof.

Paragraph (2) of the new subsection provides that if a State does not file a letter of intent or establish water quality standards under paragraph (1) or if the Secretary or Governor of any affected State wants a revision of the standards then the Secretary may after having given a reasonable notice and having had a conference of representatives of appropriate Federal departments and agencies, interstate agencies, States, municipalities, and affected industries, prepare and publish regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof. The Secretary may promulgate standards 6 months after the date he publishes his regulations unless within that period the State has adopted water quality standards which the Secretary finds to be consistent with paragraph (3) of this subsection or a petition for a public hearing has been filed under paragraph (4) of this subsection.

Paragraph (4) of this subsection provides that if the Governor of any State affected by the standards petitions the Secretary for a hearing at any time after the regulations have been published and prior to 30 days after standards have been promulgated under paragraph (2) the Secretary is required to call a public hearing. This public hearing is to be held in or near one or more of the places where the standards will take effect and is to be before a hearing board consisting of at least five persons. The members of the hearing board are to be appointed by the Secretary. However, each affected State may select one member and the Department of Commerce and other affected agencies may each select one member. There is a further restriction that at least a majority of the hearing board must be persons other than officers or employees of the Department of Health, Education, and Welfare. The conferees expect that the Secretary will appoint at least one public member of each hearing board who will be from the area to be directly affected by the standards. Further, the conferees intend that the Secretary in appointing hearing boards will insure a proper balance between all affected interests. Paragraph (4) provides that members of the hearing board who are not officers or employees of the United States will receive compensation at a rate not to exceed \$100 per diem as well as travel expenses while away from their homes or regular places of business all in accordance with provisions of applicable law. Notice of the public hearing is to be published in the Federal Register and is to be given to the State water pollution agencies, interstate agencies, and municipalities involved at least 30 days before the hearing. After the evidence has been presented and on the basis thereof the hearing board it required to make findings as to whether the Secretary's standards should be approved or modified, and to transmit its findings to the Secretary. If the hearing board approves the standards as published or promulgated, they take effect when the Secretary receives the hearing board's recommendations. If modifications are recommended the Secretary is required to promulgate revised regulations setting forth standards in accordance with the recommendations and these revised regulations will take effect immediately upon their promulgation.

Paragraph (5) of the new subsection provides that the discharge of matter into interstate waters or portions thereof which reduce their quality below the applicable standard (whether the matter is discharged directly into the waters or reaches the waters after discharging into tributaries thereof) is subject to abatement in accordance with either paragraph (1) or (2) of subsection (g)

of this section whichever of those paragraphs is applicable. However, before abatement is initiated under either paragraph (1) or (2) of subsection (g) the Secretary is required to notify the violators and other interested parties of the violation of the standards and at least 180 days must elapse so that there may be voluntary compliance. The conferees intend that during such period the Secretary should afford an opportunity for an informal hearing before himself or such hearing officer or board as he may appoint relative to the alleged violation of standards, upon the request of any affected State, alleged violator, or other interested party, so that if possible there can be voluntary agreement reached during this period, thus eliminating the necessity for suit. In any suit brought to secure abatement of pollution under this subsection the court is required to receive in evidence a transcript of the conference and hearing provided for in this subsection, the recommendations of the conference and the hearing board and the recommendations and standards promulgated by the Secretary and such additional evidence including that related to the alleged violation of the standards as the court deems necessary to a complete review of the standards as well as a determination of all other issues relating to the alleged violation. The court is given jurisdiction to enter whatever judgment and orders the public interest and equities of the case may require after having given due consideration to the practicability and to the physical and economic feasibility of complying with the applicable standards. The existing enforcement procedures in the present Water Pollution Control Act which consist of three stages, conference, public hearings, and court action, will continue to be applicable for enforcing the abatement of pollution which endangers the health or welfare of persons.

Paragraph (3) of this subsection requires standards of water quality established pursuant to this subsection to be such as to protect the public health or welfare, enhance water quality and generally to serve the purposes of the Act. In establishing such standards the Secretary, Hearing Board, or State, as the case may be, is required to take into consideration their use and value for water supply, propagation of fish and wildlife, recreation, agriculture, industrial, and other legitimate uses.

Paragraph (6) of this subsection provides that this subsection is not to prevent the application of section 10 of the Federal Water Pollution Control Act in any case to which subsection (a) of section 10 would otherwise be applicable, or to extend Federal jurisdiction over water in not otherwise authorized by this Act.

Paragraph (7) of this subsection prohibits any witness or other person from being required to divulge in connection with any hearing under this section any trade secrets or secret processes.

SUBPENA POWER IN ENFORCEMENT ACTIONS

Subsection (c) of section 5 of the House amendment amends redesignated section 10(e) of the Federal Water Pollution Control Act to add a new sentence which authorizes the Secretary in an enforcement action to administer oaths and to compel the presence and testimony of witnesses and the production of evidence by the issuance of subpoenas. It further provides that no person would be required to divulge trade secrets or secret processes and provide for payment of witness fees, mileage, and for the enforcement of subpoenas by district courts of the United States.

The proposed conference substitute does not contain such a provision.

CONFORMING AMENDMENTS

Section 7 of the proposed conference substitute contains a number of technical conforming changes in the Federal Water Pol-

lution Control Act made necessary by the amendments otherwise made by the conference substitute.

GEORGE H. FALLON,
JOHN A. BLATNIK,
ROBT. E. JONES,
WILLIAM C. CRAMER,
JOHN F. BALDWIN,

Managers on the Part of the House.

CORRECTION OF VOTE

Mr. MICHEL. Mr. Speaker, on roll-call No. 304 on September 16, 1965, I am recorded as not voting. I was present and voted "yea". I ask unanimous consent that the permanent RECORD and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MILITARY CONSTRUCTION APPROPRIATIONS FOR DEFENSE, 1966

Mr. SIKES. Mr. Speaker, I call up the conference report on the bill (H.R. 10323) making appropriations for military construction for the Department of Defense for the fiscal year ending June

30, 1966, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of September 16, 1965.)

Mr. SIKES. Mr. Speaker, I yield myself such time as I may require.

(Mr. SIKES asked and was given permission to revise and extend his remarks and include certain tabulations showing a summary of the congressional actions to date on the budget estimates for military construction with appropriate comparisons.)

Mr. SIKES. Mr. Speaker, this bill provides approximately \$1.1 billion—\$1,090,789,000—for the military construction and family housing program for the Department of Defense. The conference report is \$2.9 billion—\$2,869,000—below the amount approved by the Senate and \$1.1 billion above the amount approved

by the House. It is \$292.4 million—\$292,365,000—below the budget estimates.

The principal difference between the two bills was in the area of family housing. The House approved funds for the construction of 9,500 units at specific locations. The Senate reduced this to 7,500 units to be located as determined by the Secretary of Defense. The conferees have approved the construction of 8,500 units to be located at sites as determined by the Secretary of Defense from among those authorized by law and after notification to the Committee on Appropriations of the House of Representatives and the Senate of his proposed action.

A detailed list of the action of the conferees on the specific line items is contained in the conference report.

It is with some pride that the Committee again points to the fact that we have done more this year than in many years previous to improve troop housing.

The conference report is unanimous on the part of the managers, on the part of the House, and the Senate. I feel that it will provide an excellent construction program for fiscal year 1966 and I urge its adoption.

Military construction appropriation bill, 1966

| Item | 1965 appro- priation | 1966 budget estimate | Passed House | Passed Senate | Conference action | Conference action compared with— | | | |
|--|-------------------------|-------------------------|-----------------|------------------|----------------------|----------------------------------|-------------------------|--------------|--------------|
| | | | | | | 1965 appro- priation | 1966 budget estimate | House | Senate |
| MILITARY CONSTRUCTION | | | | | | | | | |
| DEPARTMENT OF THE ARMY | | | | | | | | | |
| Military construction, Army | \$300,393,000 | \$441,400,000 | \$319,732,000 | \$332,039,000 | \$323,443,000 | +\$23,050,000 | —\$117,957,000 | +\$3,711,000 | —\$8,596,000 |
| Military construction, Army Reserve | 5,000,000 | | | | | —5,000,000 | | | |
| Military construction, Army National Guard | 10,800,000 | | 10,000,000 | 10,000,000 | 10,000,000 | —800,000 | +10,000,000 | | |
| DEPARTMENT OF THE NAVY | | | | | | | | | |
| Military construction, Navy | 247,867,000 | 338,300,000 | 312,357,000 | 320,603,000 | 316,305,000 | +68,438,000 | —21,995,000 | +3,948,000 | —4,298,000 |
| Military construction, Naval Reserve | 7,000,000 | 9,500,000 | 9,500,000 | 9,590,000 | 9,500,000 | +2,500,000 | | | —90,000 |
| DEPARTMENT OF THE AIR FORCE | | | | | | | | | |
| Military construction, Air Force | 332,101,000 | 422,000,000 | 337,478,000 | 355,410,000 | 348,273,000 | +16,172,000 | —73,727,000 | +10,795,000 | —7,137,000 |
| Military construction, Air Force Reserve | 5,000,000 | 4,000,000 | 4,000,000 | 4,000,000 | 4,000,000 | —1,000,000 | | | |
| Military construction, Air National Guard | 14,000,000 | 10,000,000 | 10,000,000 | 10,000,000 | 10,000,000 | —4,000,000 | | | |
| OFFICE OF THE SECRETARY OF DEFENSE | | | | | | | | | |
| Military construction, Defense agencies | 12,656,000 | 83,200,000 | 63,468,000 | 65,131,000 | 64,268,000 | +51,612,000 | —18,932,000 | +800,000 | —863,000 |
| Loran stations, Department of Defense | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 | | | | |
| Total, military construction | 939,817,000 | 1,313,400,000 | 1,071,535,000 | 1,111,773,000 | 1,090,789,000 | +160,972,000 | —222,611,000 | +19,254,000 | —20,984,000 |
| FAMILY HOUSING, DEFENSE | | | | | | | | | |
| Family housing, Army: | | | | | | | | | |
| Construction | 35,600,000 | 54,064,000 | 42,282,000 | 37,408,000 | 39,845,000 | +4,245,000 | —14,219,000 | —2,437,000 | +2,437,000 |
| Operation, maintenance, and debt pay- ments | 173,328,000 | 181,156,000 | 180,649,000 | 180,649,000 | 180,649,000 | +7,321,000 | —507,000 | | |
| Family housing, Navy and Marine Corps: | | | | | | | | | |
| Construction | 64,544,000 | 92,140,000 | 73,415,000 | 58,309,000 | 65,862,000 | +1,318,000 | —26,278,000 | —7,553,000 | +7,553,000 |
| Operation, maintenance, and debt pay- ments | 97,739,000 | 96,948,000 | 96,812,000 | 86,812,000 | 96,812,000 | —927,000 | —136,000 | | |
| Family housing, Air Force: | | | | | | | | | |
| Construction | 57,589,000 | 99,290,000 | 79,058,000 | 62,809,000 | 70,934,000 | +13,345,000 | —28,356,000 | —8,124,000 | +8,125,000 |
| Operation, maintenance, and debt pay- ments | 198,859,000 | 209,307,000 | 209,049,000 | 209,049,000 | 209,049,000 | +10,190,000 | —258,000,000 | | |
| Family housing, Defense agencies: | | | | | | | | | |
| Construction | 981,000 | 406,000 | 406,000 | 406,000 | 406,000 | —575,000 | | | |
| Operation, maintenance, and debt pay- ments | 2,511,000 | 2,289,000 | 2,289,000 | 2,289,000 | 2,289,000 | —222,000 | | | |
| Total, family housing | 631,151,000 | 735,600,000 | 683,960,000 | 647,731,000 | 665,846,000 | +34,695,000 | —69,754,000 | —13,114,000 | +18,115,000 |
| Grand total | 1,570,968,000 | 2,049,000,000 | 1,755,495,000 | 1,759,504,000 | 1,756,635,000 | +185,667,000 | —292,365,000 | +1,140,000 | —2,869,000 |

Mr. MIZE. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I am glad to yield to the gentleman from Kansas.

Mr. MIZE. Will the gentleman from Florida explain why an item of \$9,300,-

000 for enlisted men's barracks at Fort Riley, Kans., which was in the original authorization bill was knocked out of the appropriations bill? And can I be reasonably assured it will be put back next year?

Mr. SIKES. I shall be happy to answer the question of the distinguished gentleman from Kansas. An item of \$9 million for Fort Riley was included for barracks and other facilities in the House version of the bill. The item was

WEEKLY of Congressional Proceedings

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For actions of Sept. 21, 1965
89th-1st; No. 174

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HIGHLIGHTS: Both Houses agreed to conference report on water pollution bill. House committee reported sugar bill.

HOUSE

1. SUGAR. The Agriculture Committee reported with amendment H. R. 11135, to amend the Sugar Act (H. Rept. 1046). p. 23759

2. WATER POLLUTION. Both Houses agreed to the conference report on S. 4, the proposed Water Quality Act of 1965, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for municipal sewage treatment works, to authorize establishment of water-quality standards, etc. This bill will now be sent to the President. pp. 23670-1, 23694-700

3. RIVERS-HARBORS; FLOOD CONTROL. Began debate on S. 2300, the rivers-and-harbors and flood-control bill. pp. 23700-842

4. WATERSHEDS. Received from the Budget Bureau plans for watershed projects as follows: Zeigler Creek, Nebr.; Elko, Nev.; Swan Quarter, N. C.; Frogville Creek Okla.; Chocolate, Little Chocolate, and Lynn Bayou, Tex.; to Agriculture Committee. Bayou Boeuf, La.; Mauch Chunk Creek, Pa.; Middle Creek, Pa.; and Oil Creek Pa.; to Public Works Committee. p. 23758
5. TRAVEL. Passed without amendment S. J. Res. 98, to continue through 1966 the period for promotion of travel in the U. S. This measure will now be sent to the President. pp. 23689-90
6. ELMER THOMAS. Rep. Johnson, Okla., spoke in memory of Elmer Thomas, late Chairman of the Senate Agriculture and Forestry Committee. pp. 23690-1
7. ECONOMICS. Rep. Patman commended the President's economic policies. pp. 23743-4
8. PERSONNEL. Rep. Beckworth commended the Civil Service Commission's plans for assurance that summer employees will be selected on a merit basis and with a broader geographical distribution. pp. 23754-5
9. STATION TRANSFERS. The Executive and Legislative Reorganization Subcommittee of the Government Operations Committee approved H. R. 10607, amended, to provide for reimbursement of certain moving expenses of employees, and to authorize payment of expenses for storage of household goods and personal effects of employees assigned to isolated duty stations within the continental U. S. p. D947
10. ELECTRIFICATION. The Subcommittee on Communications and Power of the Interstate and Foreign Commerce Committee approved S. 1459, amended, to exempt REA cooperatives from Federal Power Commission jurisdiction. p. D947
11. ROADS. The Public Works Committee voted to report (but did not actually report) S. 2084, amended, to provide for scenic development and road beautification of the Federal-aid highway systems. p. D947
12. LEGISLATIVE PROGRAM. The Daily Digest states that the House will today consider the rivers-harbors bill, the HemisFair bill, and the Dade County Center bill. p. D946

SENATE

13. LEGAL AID. Passed as reported S. 1758, to provide for the right of persons to be represented by attorneys in matters before Federal agencies. pp. 23627-36
14. DEFENSE DEPARTMENT APPROPRIATION BILL. Agreed to the conference report on this bill, H. R. 9221, which includes a provision authorizing the Defense Department to purchase milk for enlisted personnel which was previously furnished without charge by CCC. This bill will now be sent to the President. pp. 23674-82
15. MILITARY CONSTRUCTION APPROPRIATION BILL. Agreed to the conference report on this bill, H. R. 10323, which includes funds to repay CCC for certain family housing projects financed from foreign currencies. This bill will now be sent to the President. pp. 23682-86
16. PERSONNEL. A subcommittee of the Post Office and Civil Service Committee voted to report to the full committee S. 1769 and H. R. 6165, which give department heads discretion as to whether to appoint women. p. D945

4 a.m. because he had received information the embassy might be attacked by a group with special demolition equipment. Fortunately that attack never came off.

Now after almost 5 months of tragedy, frustrations, and travail in the Dominican Republic, a brighter future beckons for the Dominican people. A provisional government—moderate in complexion and avoiding the extremes of both left and right—has taken office under the distinguished leadership of Dr. Hector Garcia Godoy, and the people will have a free choice for the future in elections to be held within 9 months. For those interested in comparisons, Fidel Castro took over in Cuba in 1959, and there has been no election since.

Harsh developments dictated hard decisions in April. Those decisions achieved several important results. In consequence of them several things did not occur.

1. No American civilians lost their lives, although one remembers with sadness that 24 gallant men of our Armed Forces gave their lives in the stern tasks that fell their lot. Close to 5,000 persons from 46 nations were evacuated safely from the country. These evacuees, almost 5,000 of them, went voluntarily, the departure of each testifying to his individual estimate of the dangers in the situation.

2. The Communists were prevented from taking over in a chaotic situation and pushing aside democratic elements involved in the revolt. Communist tactics contributed to the long delay in reaching a settlement, but at the same time made their presence more publicly apparent than had been the case at the beginning. Their leadership has not changed.

3. Another development which thankfully did not occur was that the fighting did not spread throughout the country, as seemed decidedly possible on more than one occasion. Disorders were confined to one or two areas in the capital city, and a major civil war with much wider consequences and untold loss of life was prevented.

In a situation in which distribution and transportation of foodstuffs was almost completely disrupted and imports to an island nation cut off, starvation was avoided. Along with other actions taken by the United States and the OAS to shore up the country's paralyzed economy, more than 63 million pounds of food were distributed to the hungry, substantial quantities of it directly by our soldiers and marines. Medicines and medical care and other vital services were provided. Private American citizens and companies and voluntary relief agencies made generous food and medical contributions, as did 11 other American republics from Argentina to Mexico. Brazil, Costa Rica, Honduras, Nicaragua, and Paraguay have joined with the United States in supplying military units to make up the Inter-American Peace Force, which is a guarantee of order and protection for rehabilitation and progress.

It was one thing to stave off disaster. Now the need is for positive, productive action to build a better nation, with greater participation for all its citizens. A moderate, progressive government needs our help and cooperation and will get it. Suffice it to say that the situation continues to be a most complex one—and one that requires our best efforts.

It is worth underlining here that modern Dominican democracy is really only 4 years old, dating from 1961, when the country broke loose from 31 years of the harsh Trujillo dictatorship. Today's complicated problems derive in large measure from the political, social, and economic stresses accompanying the emergence from the long night of totalitarianism—the social frustrations and the pent-up demands for more economic opportunity and a better life—for more jobs and more food. Our task and our

objective is to respond to this desire for change in the social structure and to find rational ways in which the demands of a new society can be met.

The United States and fellow nations of the Americas, acting through the Organization of American States, are now mustering manpower and resources to help energize and build the country whose fertile valleys and wave-tossed shores were so admired by Christopher Columbus. Agriculture, transportation, and education will have priority in these efforts, and there will be specific projects in such areas as housing, irrigation, school construction, cattle production, and farm-to-market roads, as well as maintenance of the existing road net. An important part of our effort will be to help private enterprise repair its damages, increase its productive facilities and put people to work.

All these activities, whether in the Dominican Republic or elsewhere in the world, rest on cooperation and understanding. This brings us to communications, for the communication of understanding is an important factor in making effective this Nation's foreign policy, a policy based on truths, progress, and freedom. Communications is perhaps best defined as the ability to talk to each other and be understood by each other. It is much harder than many realize. Each of us has our own frame of reference. We tend, naturally enough, to accept the history of our country as the only correct history and the only really important one. Other people put similar emphasis on their own history.

Modern transportation and the speed of the news industry means that today groups with vastly different frames of reference are attempting to communicate with one another on a scale hitherto not possible. These differences between groups and peoples make communication difficult—basic differences in religion for example. Some religions believe in one God, others in many. Some have life after death as a tenet of their faith; others reject that idea. Some consider that the killing of even a fly, not to mention a cow, is a crime, others hold that killing in the name of their God is the surest way to heaven. These are fundamental differences as to the very purpose and meaning of life.

There are great differences of culture. The differences between the urban and rural approach to every day problems has been a lasting aspect of our political life in this country. And there is of course in today's divided world the basic difference between Communist and non-Communist, and the almost impassable semantic boundary. The Communists have precise but very different meanings from our own for many words, such as democracy, republic, popular, elections, etc. These differences are one reason why negotiations with people like the Russians and the Chinese are so frustrating and interminable.

In the struggle to win men's minds, we have got to communicate effectively with the sugarcane cutter in the Caribbean, with the coffee harvester in Central America, with the Indian herdsman in the wind-swept villages of the high Andes, with the planter in the rice paddies of southeast Asia. The tools of language are required, of course. But foremost these fellow members of the human family can use a friendly hand with their problems. We work with them to increase their crops through new techniques; we assist their local doctors by offering them modern practices; we persuade them and their neighbors of the advantage of community development, of a closer working relationship with their neighbors. It is done with honest toil and basic truth.

Recently at the swearing-in ceremony for the new Director of the U.S. Information Agency, Mr. Leonard Marks, President John-

son quoted the following from Mr. Marks' writings: "Communications is the lifeline of civilization. Without it, people live in small tribal societies, suspicious of strange and different customs. With improved communications comes better understanding and a removal of the barriers of suspicion and distrust. When we know our neighbors, we are more likely to become friends, philosophically and socially, and from this relationship may evolve a world dedicated to the preservation of law in an atmosphere of peace."

The President went on to say in his own words: "I believe this is a new era in the affairs of man and the relations between nations. It is an era of greater maturity—and I hope that our own goals and standards may also mature. I hope we shall not expect quick answers to ancient questions, that we shall not expect simple solutions to complex problems. I especially hope we may not strive foolishly and vainly for the world's love and affection when what we really seek is the world's respect and the world's trust."

You and I—all of us—are engaged in the great adventure of communications as a means to achieve this respect and trust on the part of others. To those of you who labor in the vineyards of the press, the radio, the television, and other mass media, I would recall our common responsibility to get the facts, to be accurate, to be objective. And as one who has spent a good part of his time in recent years—along the border of the Iron Curtain in Central Europe, in the Balkans, and the Eastern Mediterranean with their age-old feuds, and now in the turbulent Caribbean—trying to compose problems of varying difficulty, I feel qualified to observe on the basis of some tender experience that it is usually easier to find fault than to find solutions.

Around the world our country is engaged on many fronts and in many fields. As our fellow Georgian, Secretary of State Dean Rusk, recently observed: "It is the purpose of the Department of State to try to bring about what some people will call a boring situation; that is, a period of peace. I should not object if we got international relations off of the front page for a while. I see no prospect of it."

"But settlement is our object, and settlement frequently is not very newsworthy."

But peace is elusive, and the way of the peacemaker often leads across stony and unyielding ground. President Kennedy reminded us that "only a few generations have been granted the role of defending freedom in its hour of maximum danger." That is a proud and demanding role—one that befits a great nation and demands its best.

To close I would recall the words of Euripides in describing ancient Athens—a world power in its time which, not unlike our own country today, was the leader of a coalition of free communities against those who would smother freedom and stifle democracy. Euripides wrote with pride and compassion of the penalties of power when he spoke of Athens as a city which "takes much and bears it; (and) therefore she is blessed."

EXHIBIT 2

THE WHITE HOUSE,

Washington, September 17, 1965.

FELTON GORDON,
Dinner Chairman, Big Beef Banquet Progressive Club, Atlanta, Ga.

I am very happy to join the many friends of Tapley Bennett as they gather to applaud his dedicated record of public service. Yours is a richly deserved tribute to an outstanding professional who has shown his coolness, courage, and good judgment in danger and difficulty. To Ambassador Bennett and to all his fellow Georgians who honor him this evening, I extend my warmest good wishes for a memorable event.

LYNDON B. JOHNSON

EXHIBIT 3

[From the Atlanta Journal, Sept. 17, 1965]
 AMBASSADOR BENNETT

Our Ambassador to Santo Domingo is W. Tapley Bennett, Jr. A Georgian, Ambassador Bennett is a frequent (and current) visitor to Atlanta.

Now that the Dominican crisis seems settled there is a lot of second guessing going on in Washington. Did the administration handle the matter correctly? Or was the President panicked into sending troops?

The Journal has been with the administration, therefore it was good to read that recent criticism by Senator J. W. FULBRIGHT has in turn been criticized by a substantial part of Washington.

Senator FULBRIGHT thought the President did wrong to act on Mr. Bennett's advice that the situation was out of hand.

A lot of the Senate has disagreed with Senator FULBRIGHT.

On September 8, the Journal looked at it this way, and the Journal still does.

"The Dominican problem has been an intense one. After our Cuban experience with 'democratic liberators' this country has followed it with anxiety plus cynicism.

"But alas * * * there are indications many of our writers and political theorists are closer to the dream world than reality."

We didn't say Senators then, but we now add them to the list.

Welcome home, Mr. Bennett. Remember the newspapers and members of the intelligentsia who first thought Castro a democratic hero?

They haven't learned much since.

But the rest of us seem to have learned the valuable lesson that so-called popular fronts today are fronts for the Communists rather than the people.

Mr. RUSSELL of Georgia. Mr. President, I yield the floor to the distinguished Senator from Pennsylvania.

Mr. CLARK. I thank my friend, the Senator from Georgia.

Mr. President, the defense of Ambassador Bennett by the Senator from Georgia does him credit, as an old friend and as a constituent. I do not think any of us who feel that perhaps the Ambassador's judgment was not entirely sound, our feeling being based, as we have admitted, on Monday morning quarterbacking, would question in any way the Ambassador's integrity, loyalty, or devotion to duty. There is no further reason for me to further defend the able and distinguished chairman of the Foreign Relations Committee [Mr. FULBRIGHT], and I have nothing further to say on that matter.

WATER QUALITY ACT OF 1965— CONFERENCE REPORT

Mr. MUSKIE. Mr. President, I submit a report of the committee of conference of the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4) to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Friday, September 17, 1965, pp. 23372-23374, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MUSKIE. Mr. President, the conference report on S. 4 represents a reasonable and sound compromise on the Water Quality Act of 1965. As my colleagues know, it was not easy to obtain agreement on this legislation. On the primary issue of water quality standards there were strong opinions on both sides of the table. In the end, however, the agreement we reached represents both a middle ground and, in many respects, an improvement over the original version as it passed the Senate.

I want to take this opportunity to express my appreciation and gratitude to the Senate conferees, Senators RANDOLPH, MOSS, BOGGS, and PEARSON. The unanimity we reached on the basic issues in S. 4 strengthened our hand immeasurably and added to the quality of the discussions in conference. Through the months since the House enacted its version of S. 4 the Senate Members of the conference and their staffs reviewed the two proposals. Many of their suggestions were incorporated in the final version and contributed to the successful agreement between the representatives of the two bodies. Partisan differences were forgotten in the common effort to develop a meaningful act for the enhancement of the quality of our national water supplies.

The discussions in the conference were vigorous, but amicable. The delay in agreement is a measure of the strong feelings related to matters of principle rather than to any unwillingness to reach a consensus. I could not report to my colleagues on the conference without paying tribute to the House conferees for the contribution they made to this legislation on behalf of the House of Representatives and particularly to Congressmen JOHN BLATNIK and ROBERT JONES for their leadership on S. 4 and in the general effort toward water pollution control and abatement.

I shall not take the time of my colleagues to review in detail the entire conference report on S. 4. That report, and the report of the managers on the part of the House, can be found on pages 23371-23376 of the CONGRESSIONAL RECORD for September 17, 1965.

In brief, the conferees agreed on the establishment of a water pollution control administration in the Department of Health, Education, and Welfare, headed by an Administrator and supervised by an assistant secretary. The Senate conferees accepted the House version, which transfers all of the activities of the present division of water supply and pollution control to the new Administration and spells out in detail the procedures

to be used in transferring personnel. We believe an orderly transition can be made from the present arrangement under the Public Health Service to the new Administration.

The managers for both the Senate and the House agreed that the selection of the Administrator is crucial to the success of the program and that his grade level and status should reflect the importance the Congress attaches to this program in establishing it as a separate Administration.

The Senate conferees accepted the House proposals on increased authorizations for sewage treatment grants. These include an increase to \$150 million a year for the next 2 years in the total authorization and an increase to \$1,200,000 in individual project authorizations and \$4,800,000 for multi-community projects. Funds appropriated in excess of \$100 million in each of the next 2 fiscal years will be allotted to the several States on the basis of population and individual project authorization limitations will not apply on the use of such funds where States match the Federal contribution.

The Senate conferees agree to these provisions as a temporary measure because of the demonstrated crisis in such States as New York. I know that Senators JAVITS and KENNEDY are very much concerned about this problem. At the same time, the Senate conferees made it very clear that the increases in authorizations and the modifications in the allocation formula do not represent a judgment as to the realistic levels of Federal grants or formula in the years ahead. The Senate Subcommittee on Air and Water Pollution is examining this problem and will make recommendations in the next session of the Congress.

The next major provision in the act is the water quality standards section. As it passed the Senate, S. 4 authorized the Secretary of Health, Education, and Welfare to establish water quality standards on interstate waters or portions thereof in the absence of effective State standards, following a conference of affected Federal, State, interstate, municipal, and industrial representatives. Violation of established standards would be subject to enforcement in accordance with the present enforcement procedures in the Water Pollution Control Act.

The House version of S. 4 contained a provision for States to file letters of intent on the establishment of water quality criteria, with a pollution control grant penalty for failure to file such a letter of intent. There was no provision for the establishment of water quality standards.

The conferees agreed to amend the Senate version to give the States until June 30, 1967, to establish water quality standards on interstate waters which the Secretary determines are consistent with the purposes of the act. In those cases where the States fail to establish such standards the Secretary is authorized to call a conference of affected, Federal, State, interstate, municipal, and industrial representatives to discuss proposed standards, after which the Secre-

tary is authorized to publish recommended standards.

If a State fails to establish standards consistent with the purposes of the act within 6 months after promulgation of the Standards—unless the Governor of an affected State requests a public hearing within that period—the Secretary is authorized to promulgate his proposed standards. The Governor of an affected State would be permitted to petition for a public hearing within the 6-month period after publication of the proposed standards and up to 30 days following promulgation of the Secretary's standards. The Secretary is required to call such a hearing and to appoint five or more members to the board. The Secretary of Commerce and the heads of other affected Federal departments and agencies are to be given an opportunity to select one member of the board. The same right is accorded the Governor of each affected State. It is the intent of the conferees that the hearing board represent a balance of Federal and State interests.

The hearing board may recommend either: First, establishment of the Secretary's standards; or second, modification of those standards. The Secretary must adopt the board's recommendations. If the board recommends adoption of the Secretary's standards they become effective immediately on the Secretary's receipt of the board's recommendations. If the board recommends modifications in the standards the Secretary must modify them in accordance with the board's recommendations and promulgate them. The revised standards become effective on promulgation. Revisions in established standards can be considered and proposed by the Secretary on his own motion or on request by the Governor of an affected State in accordance with the foregoing procedures.

Violations of standards under the provisions of this act are subject to Federal abatement action. If the Secretary finds such violation he must notify the violators and interested parties, giving the violators 6 months within which to comply with the standards. If, at the end of that period, the violator has not complied, the Secretary is authorized to bring suit through a State's attorney general in the case of intrastate pollution or through the U.S. Attorney General in the case of interstate pollution, under section 10(b) (1) or (2) of the amended Water Pollution Control Act.

This enforcement procedure differs from the procedure followed under the present act by omitting the conference and hearing board stages. Because there is a conference and hearing board under the standard-setting procedure the managers for the House and Senate did not consider a repetition of these proceedings necessary in cases of violations of standards. The conference and hearing board stages remain in enforcement proceedings arising out of endangerment of health or welfare where water quality standards have not been established, as under existing law.

In court proceedings resulting from a suit for violation of water quality standards established under this act, the

court is directed to accept in evidence the transcripts of proceedings before the conference and hearing board and to accept other evidence relevant to the alleged violations and the standards. The court is to give due consideration to the "practicability and physical and economic feasibility" of complying with the standards in making judgments in such cases.

There was one final set of compromises in the conference. The House managers agreed to recede on the House "subpena section" and insisted that the Senate recede on the Senate "patents section."

Measures contained in both versions were: a 10-percent bonus in sewage treatment plant grants for those projects carried out in accordance with an area-wide plan; a 4-year, \$20 million per year research and development program for new and improved methods of controlling the discharge of combined storm and sanitary sewage; authorization for the Secretary to initiate enforcement proceedings in cases where he finds substantial economic injury results from the inability to market shellfish or shellfish products as a result of water pollution, recordkeeping and audit provisions; authority for the Secretary of Labor to set labor standards on projects financed through this act under Reorganization Plan No. 14 of 1950; and an additional Assistant Secretary of Labor in the Department of Health, Education, and Welfare.

Mr. President, I believe this act, as amended, will give strong impetus to our efforts to control and abate water pollution and to improve the quality of our water supplies.

The conference report is signed by all the conferees on the part of the Senate and by all of the conferees on the part of the House.

Congressional staff members have an important role in any legislation. In the development of S. 4 and in the achievement of the conference report the Senate and House staffs made an invaluable contribution to our success. I am particularly indebted to Ron M. Linton, chief clerk and staff director of the Senate Committee on Public Works, William Hildenbrand, legislative assistant to Senator Boggs, and my administrative assistant, Donald E. Nicoll, for their imagination, patience, and skill in making suggestions and drafting successive versions of the bill. A similar contribution was made by the able and cooperative House staff members: Richard J. Sullivan, chief counsel of the House Committee on Public Works; Maurice Tobin, assistant to Congressman BLATNIK; Clifford W. Enfield, minority counsel of the House Committee on Public Works; and Robert L. Mowson, assistant legislative counsel for the House. Without their assistance we could not have this report.

Mr. President, I move the adoption of the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. JAVITS. Mr. President, I am most pleased that the conferees on S. 4 have reached an agreement. The bill

was passed by the Senate last January, and by the House in April, and I know that great differences had to be resolved before a final measure could be presented to the Congress.

The measure is of particular importance to the drought-stricken Northeast which must begin extensive water pollution control programs immediately, and is particularly vital to the State of New York, which will begin a \$1.7 billion program with the aid of these funds.

I would also like to call attention to two changes in the final version of the bill which I sought to have adopted here in the Senate. The first raises the dollar limitation on any single project from \$600,000 to \$1,200,000. The second provides \$50 million a year to the grants program, such additional money to be distributed on the basis of population alone.

The conferees and the distinguished chairman of the subcommittee, the Senator from Maine [Mr. MUSKIE] are to be commended for their fine work on this measure. On behalf of the people of the Empire State, I express my most sincere thanks for their efforts in securing final passage during this session.

AMENDMENT OF IMMIGRATION AND NATIONALITY ACT

The Senate resumed the consideration of the bill (H.R. 2580) to amend the Immigration and Nationality Act, and for other purposes.

Mr. PASTORE. Mr. President, I rise to support H.R. 2580, a bill to amend the Immigration and Nationality Act.

We are about to write one of the finest pages in the human history of America, this land where only the red man is native, this land of immigrants since Columbus first set foot on this sacred soil.

This soil is sacred in the sincere faith of every American in whose youth, or the youth of his parent, this land of liberty was just beyond the horizon of hope as he viewed it from his native soil.

Then came the day of welcome, of opportunity, of responsibility, of obligation. The record shows their obligation has been discharged by 40 million immigrants and their offspring; discharged in faithful service and sacrifice supreme.

This is an honest hour in which we are about to remedy one of the faults of 40 years, the national origins quota system. This was a device for discriminating against races and places. It was illogical, ill conceived, un-American. It opened our doors wide to people who did not wish to come, and did not come. It closed our doors to the willing and the worthy. It refused those ready to share our prospects and our perils. It mocked our Founding Fathers; those who set our standards of decency and dignity, those who saw all men equal as created by their God.

This inequity of 40 years ago was compounded by the Immigration and Nationality Act of 1952. This codified the restrictions of the twenties—and confirmed the quota system.

Today, we are correcting that misconception of America's purpose.

I have worked for it throughout the 15 years I have been a Senator.

I worked for it not only because the quota system was an injustice to the worthy, would-be immigrant—and I am the son of immigrants.

I worked for it because I am a Senator of the United States—and it is an injustice to my country to turn away the clean of heart, the sound of mind, the strong of body, the soul stirred by the adventure and opportunity that America means.

I have worked constantly, continuously, consistently, to make our immigration laws speak the true spirit of America without inviting to our shores more people than we know we can afford to welcome.

Mine was no lonely stand. I have served under five Presidents of these United States. Each of them; with a responsibility higher than mine, an understanding deeper than mine, and an authority greater than mine, has pressed for this triumph of justice.

This is a great hour for President Harry Truman. He called the quota system "at variance with American ideals—out of date—invidious discrimination" and in June 1952 he vetoed the act of 1952. It was passed over his veto.

It is an hour of satisfaction for President Eisenhower.

In 1952, in his state of the Union message, he said of our immigration laws:

Existing legislation contains injustices. It does, in fact, discriminate. I am therefore requesting Congress to review this legislation and to enact a statute which will at one and the same time guard our legitimate national interest and be faithful to our basic ideas of freedom and fairness to all.

Again in 1956, President Eisenhower addressed the Congress on immigration, saying:

The national origins method needs to be reexamined and a new system adopted which will admit aliens within allowable numbers according to new guidelines and standards.

We did not have to wait for John F. Kennedy to be elevated to the White House to know his mind in this matter, and President Lyndon B. Johnson has been faithful to his memory and to his trust in his earnest advocacy of equity in these laws.

I will not stress the convictions and dedication of these two leaders. We knew these men—Lyndon B. Johnson and John F. Kennedy—on this Senate floor. We knew these men and we knew their minds and their hearts.

I will borrow a few lines from a newspaper editorial back home. It says:

Immigration reform is essential. A few moments before his death, President Kennedy launched a renewed effort to wipe out patent inequities of U.S. immigration policy. President Johnson has continued it.

The very simplicity of those sentences make them eloquent.

Through the years I was honored to be associated with Senator John F. Kennedy—as I joined with him and he joined with me in immigration measures beyond count.

John F. Kennedy, who owed his American day to his immigrant forbears, felt deeply, spoke honestly, and acted earnestly in wanting America to keep faith with the world. It is a world that looks to us for standards of decency and dignity—of equity and fair play.

John Kennedy's immortal test—Ask not what America can do for you—ask only what you can do for America—would still be his test.

He would remember what the immigrant had done for America—and the need that still exists that our character and courage and culture continue to be stimulated by the qualities and equities that made our history. These are the qualities and equities that gave our country growth to greatness in a world that has become too small to permit us to be too smug—too self-centered.

The act of 1952 was far from satisfying many of us—and it did not silence us. In these 13 years we have not merely marked time. By dint of dedication and determined effort, we have made more than a score of corrections, exceptions, alterations, improvements, and advancements in our immigration laws.

And now we make the major reform in the iniquitous—and I say that advisedly—quota system.

Two years ago, President John F. Kennedy asked us to eliminate this discrimination. His message might be summarized in these excerpts:

The use of the national origins system is without basis in logic or reason. It neither satisfies a national need nor accomplishes an international purpose * * * in an age of interdependence among nations.

After 2 years, we are making our response with this remedy. It seems historic justice that the response—in large part—is being made for us by another Senator from Massachusetts—a Senator bearing the name of Kennedy.

It might seem too emotional to call this measure a memorial to anyone. So I will just say it is an American milestone—another measurement which finds its principle in equality of opportunity—and finds its proof in the record of responsibility of those to whom the opportunity was given. That record is written on every page of American history—and no page is more American than the one we are writing today.

Mr. President, it is my fervent hope that this measure will pass by an overwhelming majority.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I am glad to yield to the Senator from Massachusetts.

Mr. KENNEDY of Massachusetts. As a member of the committee, and Senator in charge of the bill, let me express my great appreciation for the statement of the Senator from Rhode Island. He has been a Member of this body for many more years than I have, and I know that this is a subject in which he has been greatly interested. His statement this afternoon has summarized and captured the fundamental theme which is basic to

this legislation before the Senate. The Senator from Rhode Island has once again addressed himself to, provided enlightenment on, and brought to bear a dedication and interest on this problem, which I know all Senators fully appreciate. Therefore, I commend the Senator from Rhode Island for his support of the bill, and I ask all Senators to read his remarks.

Mr. PASTORE. I thank the Senator from Massachusetts.

If I have said it once I have said it a hundred times—we do not wish one more person to come to this land than can be comfortably absorbed into our way of life. We do not wish one more person to come to this country who will take a job away from an American—and I have heard that accusation made.

"How many" is not so important as "how." The number is not so important as the method.

Today America is the beacon light of mankind. America is the hope and envy of the world. America wears the mantle of leadership. How we act and how we speak has repercussions all over the world. Let us do away with discrimination, because discrimination is invidious to our way of life. What we want is equality and fairness. We want only good people to come to America, who will contribute to the welfare and grandeur of America.

I am not disturbed about numbers. I do not care how big or small the number is made, but once that number is arrived at, it should be meted out with equality and justice to all. We should say equally to an individual, "You can come here for what you can do for America." That is the only just way.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. KENNEDY of Massachusetts. The Senator from Rhode Island has touched on the most basic point of this legislation. We have often heard in speeches in opposition to the legislation that because other countries throughout the world have discriminatory and restrictive immigration policies, it is reasonable to argue that our immigration policy, in the year 1965, should be discriminatory. The Senator from Rhode Island, however, has underscored the fundamental point that, as the leader of the free world, and as a country that tries to demonstrate leadership in the whole cause of democracy and freedom, it is essential that our immigration law reflect our fundamental belief in the dignity and worth of the individual. That is the theme of the remarks of the Senator from Rhode Island. It is basic to this legislation. It is something that all Senators should reflect upon. When they do, I believe they will find that this immigration legislation is fundamentally based on the dignity of the individual. It is in keeping with the growth of a stronger national policy as regards individual rights that has been reflected in many other measures enacted by the Congress in recent years.

ARTHUR HILL

The Clerk called the bill (H.R. 6590) for the relief of Arthur Hill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? There was no objection.

JOSEPH B. STEVENS

The Clerk called the bill (H.R. 10338) for the relief of Joseph B. Stevens.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. MARIA FINOCCHIARO

The Clerk called the bill (H.R. 4211) for the relief of Mrs. Maria Finocchiaro.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CHIZUYO HOSHIZAKI

The Clerk called the bill (H.R. 4928) for the relief of Chizuyo Hoshizaki.

There being no objection, the Clerk read the bill, as follows:

H.R. 4928

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Chizuyo Hoshizaki, who lost United States citizenship under the provisions of section 349(a) (5) of the Immigration and Nationality Act, may be naturalized by taking prior to one year after the effective date of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said Act. From and after naturalization under this Act, the said Chizuyo Hoshizaki shall have the same citizenship status as that which existed immediately prior to its loss.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HARVEY E. WARD

The Clerk called the bill (H.R. 8085) for the relief of Harvey E. Ward.

There being no objection, the Clerk read the bill, as follows:

H.R. 8085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress hereby consents, for the purposes of

the seventh clause of section 9 of article I of the Constitution of the United States, to the acceptance by Harvey E. Ward, United States Coast Guard, retired, of Taipei, Taiwan, from the State of Tasmania, Commonwealth of Australia, of the office and emolument of teacher in the Department of Education in such State during the calendar years 1960 through 1964.

Sec. 2. Said Harvey E. Ward is relieved of any liability to the United States which the Comptroller General (in the decision numbered B-154213) held arose from his receipt of United States Coast Guard retired pay in violation of the seventh clause of section 9 of article I of the Constitution. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

Sec. 3. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Harvey E. Ward an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the liability to the United States specified in section 2 of this Act. No part of the amount appropriated in this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 4: Strike "seventh" and insert "eighth".

Page 2, lines 14 and 15: Strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. ASHMORE

Mr. ASHMORE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHMORE: On page 2, line 4, strike "seventh" and insert "eighth".

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

S. SGT. ROBERT E. MARTIN, U.S. AIR FORCE, RETIRED

The Clerk called the bill (H.R. 8829) for the relief of S. Sgt. Robert E. Martin, U.S. Air Force, retired.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

EDWARD F. MURZYN AND EDWARD J. O'BRIEN

The Clerk called the bill (H.R. 10403) for the relief of Edward F. Murzyn and Edward J. O'Brien.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

LT. COL. JAMES E. BAILEY, JR., U.S. AIR FORCE (RETIRED)

The Clerk called the bill (H.R. 10404) for the relief of Lt. Col. James E. Bailey, Jr., U.S. Air Force, retired.

There being no objection, the Clerk read the bill, as follows:

H.R. 10404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lieutenant Colonel James E. Bailey, Junior, 7506A, United States Air Force (retired), Rural Route Number 2, Clarksville, Tennessee, the sum of \$1,793.70 in full satisfaction of his claim against the United States for reimbursement in addition to the amount he received under section 2732 of title 10, United States Code, for household goods and personal effects destroyed as a result of a fire on January 15, 1964, at the Altus-Hollis Transport Company warehouse, Altus, Oklahoma, while the property was stored in the warehouse under a Government contract. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COL. DONALD J. M. BLAKESLEE, AND LT. COL. ROBERT E. WAYNE, U.S. AIR FORCE

The Clerk called the bill (H.R. 10405) for the relief of Col. Donald J. M. Blakeslee and Lt. Col. Robert E. Wayne, U.S. Air Force.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

LT. COL. JACK F. OREND

The Clerk called the bill (H.R. 4911) for the relief of Lt. Col. Jack F. Orend.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. LONETA HACKNEY

The Clerk called the bill (H.R. 1484) for the relief of Mrs. Loneta Hackney.

There being no objection, the Clerk read the bill, as follows:

H.R. 1484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions under the heading "Civil Service Retirement and Disability Fund" in title I of the Independent Offices Appropriation Act, 1959 (72 Stat. 1064; Public Law 85-844), Mrs. Loneta Hackney, Waco, Texas, widow of Charles B. Hackney, retired employee of the Veterans' Administration, shall be held and considered to be the wife and widow of the said Charles B. Hackney within the meaning of sections 1(h), 9(g), and 10(a) of the Civil Service Retirement Act, as amended (5 U.S.C. 2251(h), 2259(g), and 2260(a)), at and after the time of his retirement under such Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DUTY-FREE ENTRY OF AUTOMATIC STEADY STATE DISTRIBUTION MACHINE FOR UNIVERSITY OF OKLAHOMA

The Clerk called the bill (H.R. 7608) to provide for the free entry of one automatic steady state distribution machine for the use of the University of Oklahoma, Norman, Okla.

There being no objection, the Clerk read the bill, as follows:

H.R. 7608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury is authorized and directed to admit free of duty one automatic steady state distribution machine for the use of the University of Oklahoma, Norman, Oklahoma.

(b) If the liquidation of the entry of the article described in subsection (a) of this section has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DUTY-FREE ENTRY OF SHADOMASTER MEASURING PROJECTOR FOR UNIVERSITY OF SOUTH DAKOTA

The Clerk called the bill (H.R. 9351) to provide for the free entry of one shadomaster measuring projector for the use of the University of South Dakota.

There being no objection, the Clerk read the bill, as follows:

H.R. 9351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to admit free of duty one shadomaster measuring projector for the use of the University of South Dakota.

Sec. 2. If the liquidation of the entry of any article described in this Act has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

With the following committee amendment:

Page 1, line 4, insert after "projector" the following; "(and its accompanying parts and equipment)".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DUTY-FREE ENTRY OF CRAIG COUNTERCURRENT DISTRIBUTION APPARATUS FOR COLORADO STATE UNIVERSITY

The Clerk called the bill (H.R. 9587) to provide for the free entry of a Craig countercurrent distribution apparatus for the use of Colorado State University, Fort Collins, Colo.

There being no objection, the Clerk read the bill, as follows:

H.R. 9587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury is authorized and directed to admit free of duty the Craig countercurrent distribution apparatus (and its accompanying parts and equipment) imported for the use of Colorado State University, Fort Collins, Colorado, which was entered during February 1963 pursuant to consumption entry 1136.

(b) If the liquidation of the entry of the articles described in subsection (a) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DUTY-FREE ENTRY OF ELECTRICALLY DRIVEN ROTATING CHAIR FOR LOUISIANA STATE UNIVERSITY MEDICAL CENTER

The Clerk called the bill (H.R. 9588) to provide for the free entry of an electrically driven rotating chair for the use of the Louisiana State University Medical Center, New Orleans, La.

There being no objection, the Clerk read the bill as follows:

H.R. 9588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to admit free of duty one electrically driven rotating chair (and the control unit and other equipment accompanying such chair) for the use of the Louisiana State University Medical Center, New Orleans, Louisiana.

With the following committee amendment:

On page 1 of the bill, after line 7, add the following:

"SEC. 2. If the liquidation of the entry of any article described in the first section of this act has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that further calls of bills on the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

COMMITTEE ON PUBLIC WORKS

Mr. FALLON. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tomorrow night to file a report on the bill S. 2084.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Maryland?

There was no objection.

CALL OF THE HOUSE

Mr. RUMSFELD. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 312]

| | | |
|----------------|---------------|----------------|
| Anderson, Ill. | Frelinghuysen | Murray |
| Andrews, | Fulton, Tenn. | O'Brien |
| George W. | Gallagher | O'Hara, Ill. |
| Bolton | Hamilton | O'Hara, Mich. |
| Bonner | Hanna | Powell |
| Buchanan | Harris | Roosevelt |
| Burton, Utah | Helstoski | Roudebush |
| Cabell | Herlong | Roybal |
| Clevenger | Holifield | St Germain |
| Colmer | Holland | Senner |
| Cramer | Hosmer | Smith, Iowa |
| Diggs | Jarman | Springer |
| Dow | Lindsay | Stephens |
| Dowdy | Long, La. | Stratton |
| Farnsley | McDowell | Thomas |
| Farnum | Madden | Thompson, Tex. |
| Fino | Martin, Mass. | Toll |
| Ford, | Miller | Whitener |
| William D. | Morton | |

The SPEAKER. On this rollcall 374 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

WATER QUALITY ACT OF 1965

Mr. BLATNIK. Mr. Speaker, I call up the conference report on the bill—S. 4—to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 17, 1965.)

Mr. BLATNIK. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BLATNIK asked and was given permission to revise and extend his remarks.)

Mr. BLATNIK. Mr. Speaker, we discuss today the very important, conclusive, and the final step on a very important piece of legislation which deals with the control and reduction and, if possible, prevention or at least minimizing the ever-increasing degree of pollution of our water resources of this great country of ours.

Now, Mr. Speaker, we have had good law which this House initially asked for and received back in 1956. This law was subsequently amended in 1961 and this year amended by the other body.

Mr. Speaker, I can report to the Members of the House I am pleased to state that practically all of the version of the House bill was agreed to by the conferees of the other body.

But, Mr. Speaker, we did have a major issue in dispute on the extremely important but likewise complex and complicated and involved matter of establishing standards. That was the major point of dispute. It took us almost 4 months to resolve that dispute.

Mr. Speaker, I am willing to state before my colleagues and for the public record, that the compromise which we have worked out on this very difficult matter of standards involving the great difference between the House version and the version in the other body as we worked it out, is not only sound, it is not only fair, but it is workable and practical and in my own judgment it makes a better bill than either of the original two bills.

So, Mr. Speaker, I am pleased to come here and report our agreement.

This legislation, as you are all well aware, has been the subject of considerable discussion over the past several months. We have been meeting with the other body formally and informally over the past several months in an effort to iron out the differences between the two versions of the legislation. I believe this has been most successfully accomplished and the conference report we present you today is one which will not only provide authorizations to further continue our fight against the elimination of the pollution in our streams and lakes in all sections of the country, but will, at the same time, provide fair treatment to all those who are affected by this legislation. I believe it is a stronger bill, a more equitable bill, than either of the original two versions. By this I mean the States, cities, towns, the private industries, and individuals themselves, all of whom, as you know, are constant users of our most precious natural resource—water.

Before I continue with my comments on S. 4, might I pay particular tribute to my colleagues on the conference, the distinguished gentleman from Maryland, the Honorable GEORGE H. FALLON, chairman of the Committee on Public Works; the gentleman from Alabama [Mr. JONES], and the two minority members of the conference who contributed so much to the successful completion of what has been a most difficult and trying time, the gentleman from Florida, the ranking minority member of the committee [Mr. CRAMER], and the gentleman from California [Mr. BALDWIN].

This conference report I present to you today is one that has been worked out most carefully.

It embodies, I believe, the best features of the legislation as it passed the House and the Senate.

Now, Mr. Speaker, to refresh the Members of the House with reference to this legislation, they may recall that in the House version when it came to the matter of standards, the House bill had merely this language: We directed that the States should file with the Secretary of the Department of Health, Education, and Welfare a letter of intent within 90 days after the enactment of this piece of legislation and that on or before June 30, 1967, approximately 2 years hence, that the States establish water quality criteria to be applicable to interstate waters within the States. If they do not file this letter of intent, we had a penalty provision which provided that any Federal assistance to any State or municipal organizations would be cut off.

Mr. Speaker, the Senate version called for the establishment of standards by the Secretary of the Department of Health, Education, and Welfare almost immediately. Oh, yes, we had been to conference and had had an informal type of huddle between the conferees and the Federal agencies involved, as well as with the States and private industry and other private parties with reference to the question of whether the Secretary on his own would establish these standards and proceed promptly to enforce them under the enforcement provisions contained in the existing law. So, here, we were granting almost total power to the Secretary of the Department of Health, Education, and Welfare, to establish standards on a very important and complex issue, and the standards would be promulgated almost immediately, and thereupon enforced.

As a result of the hard fought conference, we now give the States 1 year to write a letter of intent that they will by June of 1967 establish water quality criteria. If after that period of time the State does establish water quality criteria satisfactory to the Secretary of the Department of Health, Education, and Welfare as he sees it, to meet the objectives of this act, then they shall become the standard for the State.

Second. If a State does not act or if it has water quality criteria which the Secretary of HEW feels are inferior or not adequate to accomplish the purposes of the act, then the Secretary of HEW, after an informal conference with all the part-

ies concerned, the Federal agencies, the State agencies, and individual people, will publish—and do remember this—standards for the given area or the State.

The State is then given 6 months to develop acceptable standards of their own. If they do so, all well and good. If they do not, then the Secretary after 6 months will promulgate his published standards, as I say, after a 6-month period. Even though these standards promulgated by the Secretary of HEW are made, the Governor of any State may ask for a revision of the standards any time during the 6-month period and up to the 30 days after the Secretary has promulgated the standards. If the Governor asks for revision then the Secretary must grant a hearing. In short, a Governor can ask for a hearing and the Secretary must grant a hearing. This is before a quasi-official board, and a record of all proceedings is kept.

The Senate side accepted the House version of how the board would be appointed. We insisted that the board be appointed by the Secretary rather than the President. The board shall have not less than five members. The membership on the hearing board must be one that has broad balance of representation. Each and all of the States involved in a hearing would appoint their own respective members to the board. The Department of Commerce may appoint its member of the board, and other interested or affected or participant Federal agencies or any other State agency would have their representatives, and a public member would be on the board also, and less than a majority of the members may be employees of the Department of HEW.

In short, we have made adequate provision for fair representation on the board, and the board shall be as representative as possible of a given area, and the hearings must be held in that area.

This hearing board, after hearing all of the evidence from all parties concerned, can then do either one of two things: Approve the standards and recommend approval at the same time to the Secretary, whereupon he may promulgate them and enforce them. Or the board may modify the proposed standards. These modifications are reported back with a recommendation to the Secretary of HEW. He shall conform and comply with these recommendations of the hearing board and promulgate the standards. We have a process for establishing standards which will be a joint operation at which not only the Federal Government and its agencies, other than the Secretary of HEW, shall be represented, but the States affected shall be represented, private industry shall be represented, the general public shall be represented. In fact, all members affected by the standards are represented on this board, and the recommendations of the board shall govern the final decision of HEW.

All of this would be under the heading, Mr. Speaker, of establishing standards.

So, Mr. Speaker, we have come a long way from the Senate's Secretary setting standards stalemate. We on the House side have receded from the penalty sec-

tion for noncompliance and have given the States a full year rather than the 90 days restriction for the filing of the letter of intent. Thanks to the diligent work of both Houses, we have before us a procedure that brings the States into full participation in establishing criteria that after June 30, 1967, could become standards.

Let it not be said that the States have not been given full power to establish for themselves a quality of clean water that they can truly be proud of. Let the RECORD also show that this standard setting process is greatly fortified by the fact that the Governor of the State can petition to have the standards revised and the Secretary must then submit to a hearing board and this hearing board's determination will be final. In short, the States, municipalities, industries, and all other affected parties have a full and fair opportunity to be heard in this very practical and workable procedure that will do much to prevent the pollution of our Nation's waters. Instead of just rolling back pollution that already exists, this procedure serves as a preventive measure. It will serve to prevent pollution before it happens.

From here on, of course, once these standards have been promulgated, then you have the second phase, which is enforcement.

If a standard is violated, and this material is discharged into the waters which would further deteriorate the waters, according to the provisions of the act he may institute enforcement proceedings. However, before any abatement action is initiated the violator or alleged violator is given 6 months for voluntary compliance. Again, you will note in the statement of the managers on the part of the House the alleged violator or violators will not only be given this time for compliance, but will be given full opportunity to meet with and to discuss with either the Secretary or his responsible representative to see if they can work out an arrangement or statement so that an agreeable solution may be arrived at without going into court or instituting a suit.

So we do believe we have worked out a fair and yet effective manner of requiring standards and enforcing those standards. We do it so that the Federal Government with the States and municipalities and public entities as well as private industries and other persons directly interested have a share in the participation because in my own opinion there is no question whatsoever that with the rapidly increasing problem of pollution which is already of critical proportions in many, many large river basins in different areas of the country, this problem will not be coped with effectively and it will not be solved unless we have a massive joint effort and we think that this procedure that both bodies have agreed upon will provide the opportunity for that kind of effort.

In concluding I merely want to say, and I would like to refresh your memory about how urgent this whole problem is. Time is rapidly running out. In the eastern half of the United States alone,

15 years ago, and I was here in the House then in 1950, water consumption was about 100 billion gallons a day. That is 15 years ago. Now we are in the 1965, and as we look ahead to the year 1980, 15 years from today, the water consumption in use in the eastern half of the United States will increase fourfold from 100 billion gallons of water in 1950—and we are at the half-way point, 15 years later—and projecting into the future 15 years hence—it will be 400 billion gallons or a 400-percent increase.

Now the key to this program that we provide for in this bill is that now we have for the first time placed the emphasis where it belongs in trying to solve this problem, and that is on the prevention and minimizing as much as possible this pollution before it occurs.

We know now and we will know even better after more scientific and technical data is brought in from our respective regional water research laboratories what can and ought to be done as to the nature of pollutants and how to cope with them. When we know that pollution is going to occur in a given area just as surely as the sands run out of an hourglass and when today we know that we will have a very serious pollution problem 10 or 20 years from now, why wait for that to happen when we can have intelligent, systematic, preventive, effective measures to begin now to encourage and make possible orderly utilization of the water and yet provide for its preservation and conservation for the many uses and the many demands which will be made for that water in the years to come.

Mr. McCARTHY. Mr. Speaker, will the gentleman yield for a question?

Mr. BLATNIK. I yield to the gentleman.

Mr. McCARTHY. As the distinguished gentleman and the father of this legislation knows, my district stretches about 20 miles along the shores of Lake Erie, probably known as the most severely polluted major body of water. This subject of standards has been one of intense interest in New York as well as throughout the country. It seems to me that the compromise reached by the conferees on this matter as to the criteria of standards is eminently fair and reasonable and will accomplish the objectives that the gentleman has in mind. Would the gentleman care to comment on that?

Mr. BLATNIK. Yes. There is no question in my mind that the program will be very effective. As I said earlier, it will bring into play all the parties involved and not merely the Federal agency. The program is definitely needed. There is no question whatsoever that it will be a most effective and workable program. It will give full opportunity for all parties to participate, and particularly enable them to show a little more initiative than they have. Some have done an excellent job, many fairly well, and unfortunately too many not well at all. The program will give them a full opportunity to get on the move in 2 years and then from then on the momentum will gather and we will

proceed full steam ahead. I am confident that we can handle this needed program.

Mr. OTTINGER. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I am pleased to yield to the gentleman from New York.

Mr. OTTINGER. I should like to congratulate the gentleman from Minnesota on the excellent job which the conference committee has done in working out a system whereby we can have Federal standards and State participation. The result is a very fine compromise.

However, I wondered whether it will be necessary to delay the operation of the program until June 30, 1967, when these standards will be put into effect, or will they be put into effect before that date?

Mr. BLATNIK. There is no reason for delay. We are confident that the States will comply by establishing their own water quality criteria just as soon as physically possible. We on the House side felt very strongly that the States ought to be given time to get their own houses in order and get on the way rather than to lower the boom on them now with arbitrary Federal standards.

We do not today have enough information really to come up with practical and reasonable standards. So to prevent unfair or capricious standards by the Federal Government, the States were brought into the picture and given a chance to establish for themselves water quality criteria. By soliciting their cooperation the Federal program is made 50 times as strong as it would be without the participation of the States. Meanwhile, we are developing further information so that 2 years hence, working with the States, the agencies of the Federal Government, the municipalities, and the industry, we will be able to come to an agreement and establish the necessary hearing board mechanism and provide bona fide, ironclad, and yet effective, realistic, and workable standards. So we shall lose no time.

Mr. OTTINGER. The 6 months participation for the States promulgating standards would apply after June 30?

Mr. BLATNIK. No; it could apply before that. On failure of a State to file a letter of intent within a year of enactment of this legislation, the Secretary could publish standards and at the end of 6 months if the State still has not acted he could promulgate them.

Mr. Speaker, in addition to the standard-setting procedures and the advances made in the enforcement section that includes a full and complete court review of the standards, the House prevailed in other equally important sections of the bill. The Senate side accepted our \$50 million annual increase in construction grants. It also accepted our dollar increase version of individual and multi-community construction projects. This money is badly needed if we are to meet the backlog of projects.

Again my personal thanks for the generous support over these long months. At last we have a measure that strikes a happy balance between strong controls and fair procedures.

Mr. DORN. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from South Carolina, who is a very good friend and an able member of the committee, I am pleased to add.

Mr. DORN. Mr. Speaker, and ladies and gentlemen of the House, I should like to take this opportunity to congratulate my distinguished subcommittee chairman for the superb job that he had done in working out this compromise, he and the other members of the conference committee, with the other body, and bringing before this body today a conference report which is excellent, one which is fair, and one which I think more than anything else is a tribute to the distinguished gentleman now in the well for his long suffering, his patience, and his perseverance.

We have here a conference report that I think will have the cooperation of the States, the municipalities, and the industry involved. I want also to praise the minority for their splendid cooperation during the long months it took to develop this important legislation.

This is a good conference report. It is a good bill. Again I wish to congratulate, commend, and thank my distinguished subcommittee chairman for a magnificent job.

Mr. BLATNIK. I thank the gentleman.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. Yes; I yield to the gentleman from Florida [Mr. CRAMER], the leader of the minority members of the committee on conference.

As I indicated earlier, I wish to make official acknowledgment and public recognition of the constructive and cooperative participation and assistance on the part of the minority members of the conference, without whose assistance, cooperation, and work on this controversial matter, the result would have been impossible. I yield 10 minutes to the gentleman.

Mr. MURPHY of New York. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from New York.

(Mr. MURPHY of New York asked and was given permission to revise and extend his remarks.)

[Mr. MURPHY of New York addressed the House. His remarks will appear hereafter in the Appendix.]

Mr. CRAMER. Mr. Speaker, I shall not repeat those matters discussed by the gentleman from Minnesota.

Let me say that I am glad this conference has finally resolved its differences. This was probably one of the longest conferences on record in which agreement was finally reached. There were many weeks between the appointment of conferees and final conference action. I believe the long lapse of time indicates the difficulty of the problems with which we were concerned.

These problems principally involved the one issue of whether Federal water quality standards should be adopted relating to the interstate streams and portions thereof in the United States, or

whether the States should retain jurisdiction over the determination of those water quality standards subject to possible review by the Secretary.

Let me say at the outset, I do not intend to oppose the conference report. I signed the conference report. However, if I had been writing the bill which was drafted relating to the standards section in conference, I would have written it differently than it is before us. Nevertheless I believe it is as good a compromise as we could obtain between the Senate and House versions of the legislation.

I believe some significant concessions were made by the other body in the drafts we had before us for consideration, and I will mention those in just a moment. There were a sufficiently large number of concessions and significant concessions, including the subject matter written into the conference report itself, made by the other body, so that I feel I can support the conference report with that language written into that report, so long as the Secretary abides by the language written into that report.

I specifically refer to pages 12 and 13 of the statement of the managers on the part of the House, more specifically to the language at the bottom of page 12. This language relates to what will happen after the standards are set and a given industry is brought in for violation thereof. The question is this: What will then happen?

The Secretary will first decide in his mind that a violation has occurred. The question I was concerned about, in the conference, is that then the Secretary has the power to bring the party, the business, and the State into court, after a lapse of a 6-month period. The 6 months was conceded in conference. The 6 months is intended to give the State and the local industry involved, or whoever may be a violator, an opportunity to conform to the Secretary's demands.

The thing which disturbed me was that once these standards were set, the Secretary could arbitrarily, if he saw fit to do so, bring not only the industry involved but also the State agency as well into court. The objection I had to that procedure was that there was nothing specifically provided to permit the State agency to conform. If water pollution control is going to be a partnership approach, then there must be cooperation with the State and local governments by the Federal agency. That makes it a partnership approach, and in my opinion, that is the only way this program can succeed. To be a partnership, the violator and/or the State agency has to be given an opportunity for a hearing of some nature with the Secretary before a final determination by the Secretary to file suit, through the Attorney General, for the violation can be made.

Appropriate language has been written into the conference report. I had hoped it would be in the language of the bill we are actually considering, but instead it is in the conference report. If it is lived up to, I believe it will meet that objection.

The language states:

The conferees intend that during such period the Secretary should afford an opportunity for an informal hearing before himself or such hearing officer or board as he may appoint relative to the alleged violation of standards, upon the request of any affected State, alleged violator, or other interested party, so that if possible there can be voluntary agreement reached during this period, thus eliminating the necessity for suit.

That provision helps on that situation. Then we come to the next question.

If we are to have a court review—and this is a question we are faced with in all court review instances—what kind of a court review is it to be?

Is it going to be under the Administrative Procedure Act, with the decision of the administrative agency presumed to be proper, and with the weight of overturning the decision on the opposing party, that is, the State or the violator in this instance, he having to prove the indiscretion? No, that is not what we wrote into this in the way of judicial review. This is a complete judicial review. I wish the gentleman from Minnesota would give me his attention relating to these points, because I hope we will have agreement in the debate here as well as the agreement which appears in the House report of the conferees. It is the intention that there be informal hearings during the 6-month period of compliance where voluntary compliance is permitted, following the finding of the Secretary that he believes a violation has occurred. It is the intention before the Secretary files a suit that informal hearings be held so that the State agency or the violator have a chance to present their case and thus determine whether a court action would follow.

Mr. BLATNIK. If the gentleman will yield, that was the clear and unequivocal opinion of all of the three majority members of the conferees.

Mr. CRAMER. Then, may I ask this one other question on judicial review? As is stated in this report of the managers on the part of the House, is it not true the intention of the House conferees was to write in a full and complete judicial review including the question of all standards that have been established that might affect that industry? They are all subject to review when the question of a violation is raised even though the specific standard which is alleged to have been violated will be included, but in addition to that all other standards that might affect that industry likewise will be subject to review as to their reasonableness?

Mr. BLATNIK. Yes. That is correct.

Mr. CRAMER. I wanted to make sure that is on the RECORD, because those two points, I think, are the two principal points that tied up the conferees for this lengthy period. I am glad to get it on the RECORD that that is clear. The conferees also got a concession out of the other body to the effect that when these standards are determined by the Secretary after consultation with the States he shall then publish them in the Federal Register and over a period of time the State shall have an opportunity to be heard before, first, a conference, and then the standards are promulgated.

Thirty days thereafter the States can ask for a hearing before an official hearing board, if they disagree. That is the protection given to the States, the local communities, and the industries involved. That hearing board, it was proposed in the draft we had before us, was to be appointed by the President. The other body made the concession that it should be appointed by the Secretary. Is that correct?

Mr. BLATNIK. Yes, sir. That is certainly correct.

Mr. CRAMER. This protection to the State and the local violator or the proposed possible prospective violator is through the appointment of a hearing board. That hearing board is appointed by the Secretary of HEW and not the President of the United States. We also stated that each State affected may not recommend, as was in the draft language, but select.

Mr. BLATNIK. That is correct. Select their members.

Mr. CRAMER. There is no question from the standpoint of legislative history and intent that the State to be affected has the right to membership on the hearing board which determines the reasonableness of the standards after they are published in the Federal Register. Is that not correct?

Mr. BLATNIK. That is absolutely correct.

Mr. CRAMER. That board has the power to modify its proposed regulations. Is that not correct?

Mr. BLATNIK. That is correct.

Mr. CRAMER. The Secretary must issue regulations carrying out the hearing board's—not his but the hearing board's—determination?

Mr. BLATNIK. That is correct. Yes, it is.

Mr. CRAMER. I just want to point out one or two other matters.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BLATNIK. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. CRAMER. We on this side of the aisle have been insisting—we did when we had the question of the additional \$50 million authorization a few years ago, and we now have \$50 million more in this legislation—if this program is going to succeed, that the States should be encouraged to help to match these additional Federal funds. There was a provision written into the House bill which, incidentally, passed unanimously, that required the States to match Federal funds for the construction of sewage treatment works, if the States wanted to go above the ceiling set in the proposed legislation. That provision is retained in the House-Senate conference. Is that not correct, I ask the gentleman?

Mr. BLATNIK. Yes.

Mr. CRAMER. Mr. Speaker, let me say in closing that I support the conference report. It took a long time to work it out. I think it is probably the best we could do in protecting the rights of the States and the industries that might be involved and giving them the proper opportunity to be heard.

I will say that the minority and the majority were given an opportunity on

this legislation to work their will without the interference of the White House and the executive branch of the Government. The conferees of the House and Senate did an outstanding job in coming up with a bill that will do the job and not work undue hardships. This is a tough problem. It is a problem we have to meet. We are meeting our responsibility with this conference report, and I hope it will be adopted.

Mr. Speaker, I think it is most unfortunate that in another matter involving even more money which is before the Committee on Public Works, involving \$160 million a year and this water pollution legislation only involves \$150 million a year and I am now talking about highway beautification, that we in this body are not likewise being given an opportunity to consider and determine the matter on its merits, in trying to get a consensus between the majority and the minority as between what is right and wrong. I am referring, as I said, to the matter of highway beautification. I think that the inability of a committee to work its own will is wrong.

Mr. BLATNIK. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. DUNCAN].

Mr. DUNCAN of Oregon. Mr. Speaker, I said when this bill was before us earlier this year that it was a tremendous step forward, but I was disappointed that it did not go further. Today I think on the question of the establishment of water standards the chairman and the conferees on both sides of the aisle are to be congratulated for bringing back a stronger bill—though I can still foresee a possible delay in excess of 2½ years before standards are set. This is a delay the Nation can ill afford.

Mr. Speaker, for years we have been on a treadmill. As fast as we go, we are still unable or barely able to stay up with the increased extent of the problem. As a member of the Appropriations Subcommittee dealing with this subject, I was disappointed last spring to learn that the maximum authorization for Federal grants for municipal sewer systems was only \$100 million. It would take a full authorization of \$200 million Federal dollars to meet the demands of the municipalities for the construction of sewer systems in cases where local bonding authority for the local contribution already exists.

I ask the chairman, is it not true that this bill increases the authorization from \$100 million to \$150 million?

Mr. BLATNIK. That is correct; that is a 50-percent increase.

Mr. DUNCAN of Oregon. I am delighted with the increase. I am disappointed that it isn't greater, when we know what must be done and know how to do it—as we do here—and when the threat of failure is so great—as it is in the case of water pollution—we cannot justify doing less than our best. I intend to press for the appropriation of the full authorization in the appropriation subcommittee on which I serve. I hope that these funds, together with those that will be appropriated in support of related programs authorized by the new housing bill and the Economic Redevelop-

ment Act, will do the job which must be done.

Mr. Speaker, the name of JOHN BLATNIK has always been in the forefront of the battle for pure water. This bill adds further honor to an already honored name.

(Mr. DUNCAN of Oregon asked and was given permission to revise and extend his remarks.)

Mr. BLATNIK. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California [Mr. BALDWIN], who played a most effective role in working out this compromise arrangement.

Mr. BALDWIN. Mr. Speaker, I rise in support of this conference report. The conferees worked long and hard in an effort to arrive at a reasonable and effective compromise between the House- and Senate-passed bills. We believe that this conference report does represent such a reasonable and equitable compromise.

Basically, we have a most serious problem facing the Nation in the field of water pollution. That problem is that the supply of water in our streams remains approximately the same; in fact, in some areas right now it has been reduced. But the sources of pollution have been going up steadily year by year as our population increases and as the size of our cities increases, and as the number of our industries increases. Therefore, the potential sources of pollution have been increasing each year and our streams are in greater and greater danger of being polluted to a point where their natural beauty will be seriously adversely affected.

Mr. Speaker, the purpose of this bill is to meet this issue headon and to endeavor to take steps that will result in an improvement in the quality of our streams.

Mr. Speaker, this bill gives recognition to the historic division of power between the Federal Government and the State governments in this field. This bill applies to interstate streams, streams in which the Federal Government has a proper interest under the Constitution of the United States.

It provides that the States will have the first opportunity to establish criteria for these streams that will meet reasonable standards. But if those States do not exercise that first opportunity to establish criteria that will meet reasonable standards, then this bill for the first time gives the Secretary of the Department of Commerce the power to establish such standards and to promulgate those standards and to enforce those standards. This is only right and proper because the Federal Government has a legitimate interest under the Constitution in interstate streams.

Now, Mr. Speaker, another extremely important phase of this bill is the allocation of \$20 million for research and demonstration projects dealing with sewers that handle both sewage and also storm drainage.

In this field we have many problems throughout the United States and many of our cities have inadequate sewer systems today or combinations of sewers which also have to handle storm waters. Many of these systems are inadequate.

When serious storms occur the amount of storm water coming into those sewer systems is such that the treatment plants cannot handle the full flow and a part of the untreated sewage gets into the streams and creates serious problems of water pollution. Therefore, we will have to find an effective method in dealing with and controlling this problem, and that is the purpose for the authorization of \$20 million a year for demonstration grants in this particular field.

The bill also establishes a higher priority within the Department of Commerce for the agency dealing with this problem. Therefore, the Public Health Service has been raised in stature you might say to an agency called the Water Pollution Control Administration which will be under the jurisdiction of an Assistant Secretary of Commerce in order to give it the status required to deal with this increasingly important problem.

Mr. Speaker, this conference report is a good conference report. It represents an effective stride forward in meeting the needs of our Nation in controlling water pollution.

Mr. Speaker, I am convinced that the great majority of the people of our Nation and all of the conservation groups of our Nation are most desirous that the Congress take positive action along these lines in order to deal effectively with this difficult problem.

Mr. KUNKEL. Mr. Speaker, will the gentleman yield?

Mr. BALDWIN. I am glad to yield to the gentleman from Pennsylvania.

Mr. KUNKEL. Mr. Speaker, I want to compliment the gentleman from California as well as the chairman of this committee and the other members of the conference committee for the magnificent job they have done in upholding the House position and in bringing back what in my judgment as a member of the Public Works Committee is one of the best bills we have ever had in this House of Representatives.

Mr. BLATNIK. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. McCLODY].

Mr. McCLODY. Mr. Speaker, I thank the gentleman for yielding and I, too, want to compliment the gentleman from Minnesota [Mr. BLATNIK], and the gentleman from Florida [Mr. CRAMER], as well as all of the members of the conference committee who brought forth this conference committee report.

It seems to me that the report resolves several difficult problems in a most appropriate and admirable way.

Mr. Speaker, my familiarity with this subject of control of water pollution results in large part from my service during the last session when I served on the so-called Jones committee, a subcommittee of the House Committee on Government Operations, chaired by the distinguished gentleman from Alabama [Mr. JONES] at which time we investigated the subject of water pollution throughout the entire Nation.

As a result of this experience I came to gain a great respect for the ability and record of progress demonstrated by some of the local and State agencies

charged with this responsibility of water pollution control.

Mr. Speaker, I am delighted to see that the conference committee report and the bill recognize the efficacy of these local and State agencies.

I cannot help but feel that responsibility for reducing and eliminating water pollution is one that will have to be undertaken in the long run by the local and State groups. This new legislation should not be interpreted as shifting responsibility to Washington. Instead, it should be noted that it affords direction and guidance on the part of the Federal Government and challenges the local and State agencies to do the job which they are charged with performing under the present legislation and which they are capable of performing.

We should not have any illusions about what we can do from Washington. We are going to have to recognize that water pollution problems are different wherever we find them, and each one differs from every other problem. While we provide funds, while we provide direction, while we provide a new administration for the purpose of resolving the problem of water pollution, at the same time the local and State governments must continue with their responsibility.

(Mr. McCLODY asked and was given permission to revise and extend his remarks.)

Mr. BLATNIK. Mr. Speaker, I thank the gentleman for his excellent statement. I want to express my appreciation to all the conferees and to the able and respected chairman of our full committee, the gentleman from Maryland [Mr. FALLON], for his support and for his competence and tolerance which enabled us to come out with a workable bill that I know has his support.

Mrs. DWYER. Mr. Speaker, all those who are deeply concerned at the extent to which pollution of our rivers and streams has denied our people the clean water so essential for our health and well-being must welcome the long-delayed appearance here today of the conference report on the Water Quality Act of 1965.

While I recognize that the compromise bill has given rise to some doubt about the speed and effectiveness with which the essential water quality standards can be agreed on and implemented, I share the conclusion of the Daily Journal of Elizabeth, N.J., that the legislation will bolster the antipollution cause and do much long-range good.

Final approval of this bill will place a heavy responsibility on State and Federal officials to get about the business of cleaning up the rivers and streams of the United States, so many of which—because of years of pollution—have become virtually unusable. The loss of this immense supply of water has contributed greatly to the present drought emergency in the Northeast. The recovery of the water—through enforcement of adequate water standards and more efficient administration of water pollution control statutes, which this bill will make possible—can help assure a successful attack on the long-range threat of drought.

As a part of my remarks, Mr. Speaker, I include the text of the Daily Journal editorial of September 17, 1965.

A WATER POLLUTION BILL AT LAST

A compromise nearly 5 months overdue has washed away the barriers to new Federal legislation for the control of water pollution. Its significance is heightened by the drought plight of the Northeast although, of course, the benefits will not come quickly.

The bill gives the States until July 1, 1967, to set water quality standards. It will take a long time to clean up streams and rivers rendered unusable in the present emergency by industrial contamination which has been pouring into them for years.

There's a handy example in the open sewer which is the Hudson River. Earlier this year, the harmful effects of industrial pollution were dramatized for New Jersey when 15,000 trout died in cyanide-tainted waters at the State hatchery in Hackettstown.

Regrettably, the bill had to be weakened by concessions in order to get it passed. The Senate measure, adopted January 28, empowered the Secretary of Health, Education, and Welfare to set the water quality standards. Under the revision the States are given the opportunity first.

The change will please those who think the Federal Government is taking away too many of the States rights. But if the States would meet their obligations, there would be no reason for Washington to do what's obviously necessary.

Officials right now would not be casting about so anxiously for sources of potable water if greater attention had been paid by the States and their communities to the problem of pollution. In view of this laxity, more might have been accomplished faster by having the HEW Secretary fix the water standards.

Another provision in the compromise version could be used as a stalling tactic by industry. Companies will be allowed to appeal to the courts for exemptions from the standards.

Watered down as it is, though, the legislation will bolster the antipollution cause. It should do much long-range good.

Mr. BLATNIK. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the conference report.

The question was taken, and the Speaker pro tempore announced that the ayes had it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 379, nays 0, not voting 53, as follows:

[Roll No. 313]

YEAS—379

| | | |
|-----------|----------|-----------|
| Abbitt | Annunzio | Battin |
| Abernethy | Arends | Beckworth |
| Adair | Ashbrook | Beicher |
| Adams | Ashley | Bell |
| Addabbo | Ashmore | Bennett |
| Albert | Aspinall | Berry |
| Anderson, | Ayres | Betts |
| Tenn. | Baldwin | Bingham |
| Andrews, | Bandstra | Blatnik |
| Glenn | Baring | Boggs |
| Andrews, | Barrett | Boland |
| N. Dak. | Bates | Bolling |

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| Brademas | Grider | Morris |
| Bray | Griffin | Morrison |
| Brooks | Griffiths | Morse |
| Broomfield | Gross | Mosher |
| Broyhill, N.C. | Grover | Moss |
| Buchanan | Gubser | Multer |
| Burke | Gurney | Murphy, Ill. |
| Burleson | Hagan, Ga. | Murphy, N.Y. |
| Byrne, Pa. | Hagen, Calif. | Natcher |
| Byrnes, Wis. | Haley | Nedzi |
| Cabell | Hall | Nelsen |
| Cahill | Halleck | Nix |
| Callan | Halpern | O'Hara, Mich. |
| Callaway | Hamilton | O'Konski |
| Cameron | Hanley | Olsen, Mont. |
| Carey | Hanna | Olson, Minn. |
| Carter | Hansen, Idaho | O'Neal, Ga. |
| Cederberg | Hansen, Iowa | O'Neill, Mass. |
| Celler | Hardy | Ottinger |
| Chamberlain | Harsha | Passman |
| Chelf | Harvey, Ind. | Patman |
| Clancy | Harvey, Mich. | Patten |
| Clark | Hathaway | Pelly |
| Clausen, | Hawkins | Pepper |
| Don H. | Hays | Perkins |
| Clawson, Del | Hébert | Philbin |
| Cleveland | Hechler | Pickle |
| Clevenger | Helstoski | Pike |
| Cohelan | Henderson | Pirnie |
| Collier | Hicks | Poage |
| Conable | Horton | Poff |
| Conte | Howard | Pool |
| Conyers | Hull | Price |
| Cooley | Hungate | Pucinski |
| Corbett | Huot | Purcell |
| Corman | Hutchinson | Quile |
| Craley | Ichord | Quillen |
| Cramer | Irwin | Race |
| Culver | Jacobs | Randall |
| Cunningham | Jarman | Redlin |
| Curtin | Jennings | Reid, Ill. |
| Curtis | Joelson | Reid, N.Y. |
| Dague | Johnson, Calif. | Reifel |
| Daniels | Johnson, Okla. | Reinecke |
| Davis, Ga. | Johnson, Pa. | Reuss |
| Davis, Wis. | Jonas | Rhodes, Ariz. |
| Dawson | Jones, Ala. | Rhodes, Pa. |
| de la Garza | Jones, Mo. | Rivers, S.C. |
| Delaney | Karsten | Rivers, Alaska |
| Dent | Karth | Roberts |
| Denton | Kastenmeier | Robison |
| Derwinski | Kee | Rodino |
| Devine | Keith | Rogers, Colo. |
| Dickinson | Kelly | Rogers, Fla. |
| Dingell | Keogh | Ronan |
| Dole | King, Calif. | Roncalio |
| Donohue | King, N.Y. | Rooney, N.Y. |
| Dorn | King, Utah | Rooney, Pa. |
| Dow | Kirwan | Rosenthal |
| Dowdy | Kluczynski | Rostenkowski |
| Downing | Kornegay | Roush |
| Dulski | Krebs | Rumsfeld |
| Duncan, Oreg. | Kunkel | Ryan |
| Duncan, Tenn. | Laird | Satterfield |
| Dwyer | Langen | St Germain |
| Dyal | Latta | St. Onge |
| Edmondson | Leggett | Saylor |
| Edwards, Ala. | Lennon | Scheuer |
| Edwards, Calif. | Lipscomb | Schisler |
| Ellsworth | Long, Md. | Schmidhauser |
| Erlenborn | Love | Schneebell |
| Evans, Colo. | McCarthy | Schweiker |
| Everett | McClary | Scott |
| Evins, Tenn. | McCulloch | Secrest |
| Fallon | McDade | Selden |
| Farbstein | McDowell | Senner |
| Fascell | McEwen | Shipley |
| Feighan | McFall | Shriver |
| Findley | McGrath | Sickles |
| Fisher | McMillan | Sikes |
| Flood | McVicker | Skubitz |
| Flynt | Macdonald | Slack |
| Fogarty | MacGregor | Smith, Calif. |
| Foley | Machen | Smith, Iowa |
| Ford, Gerald R. | Mackay | Smith, N.Y. |
| Fountain | Mackie | Smith, Va. |
| Fraser | Mahon | Stafford |
| Friedel | Marsh | Staggers |
| Fulton, Pa. | Martin, Nebr. | Stalbaum |
| Fulton, Tenn. | Mathias | Stanton |
| Fuqua | Matsunaga | Steed |
| Garmatz | Matthews | Stubblefield |
| Gathings | May | Sullivan |
| Gettys | Meeds | Sweeney |
| Gialmo | Michel | Talcott |
| Gibbons | Mills | Taylor |
| Gilbert | Minish | Teague, Calif. |
| Gilligan | Mink | Tenzer |
| Gonzalez | Minshall | Thompson, N.J. |
| Goodell | Mize | Thomson, Wis. |
| Grabowski | Moeller | Todd |
| Gray | Monagan | Trimble |
| Green, Oreg. | Moore | Tuck |
| Green, Pa. | Moorhead | Tunney |
| Greigg | Morgan | Tupper |

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|-----------------|--------------|-------------|
| Tuten | Watkins | Wilson, Bob |
| Udall | Watson | Wilson, |
| Ullman | Watts | Charles H. |
| Utt | Weltner | Wolf |
| Van Deerlin | Whalley | Wright |
| Vanik | White, Idaho | Wyatt |
| Vigorito | White, Tex. | Wydler |
| Vivian | Whitten | Yates |
| Waggonner | Widnall | Young |
| Walker, Miss. | Williams | Younger |
| Walker, N. Mex. | Willis | Zablocki |

NAYS—0

NOT VOTING—53

| | | |
|----------------|---------------|----------------|
| Anderson, Ill. | Frelinghuysen | Roudebush |
| Andrews, | Gallagher | Roybal |
| George W. | Hansen, Wash. | Sisk |
| Bolton | Harris | Springer |
| Bonner | Herlong | Stephens |
| Bow | Holifield | Stratton |
| Brock | Holland | Teague, Tex. |
| Brown, Calif. | Hosmer | Thomas |
| Broyhill, Va. | Landrum | Thompson, Tex. |
| Burton, Calif. | Lindsay | Toll |
| Burton, Utah | Long, La. | Whitener |
| Casey | Madden | Morton |
| Colmer | Mailliard | Murray |
| Daddario | Martin, Ala. | O'Brien |
| Diggs | Martin, Mass. | O'Hara, Ill. |
| Farnsley | Miller | |
| Farnum | Powell | |
| Fino | Resnick | |
| Ford, | Rogers, Tex. | |
| William D. | Roosevelt | |

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Toll with Mr. Mailliard.
 Mr. Thompson of Texas with Mr. Broyhill of Virginia.
 Mr. Long of Louisiana with Mr. Martin of Alabama.
 Mr. Holifield with Mr. Hosmer.
 Mr. Colmer with Mr. Bow.
 Mr. Teague of Texas with Mrs. Bolton.
 Mr. Daddario with Mr. Anderson of Illinois.
 Mr. O'Brien with Mr. Frelinghuysen.
 Mr. Sisk with Mr. Roudebush.
 Mr. Miller with Mr. Springer.
 Mr. Herlong with Mr. Martin of Massachusetts.
 Mr. Holland with Mr. Fino.
 Mr. Roosevelt with Mr. Morton.
 Mr. George W. Andrews with Mr. Brock.
 Mr. Rogers of Texas with Mr. Burton of Utah.
 Mr. Roybal with Mr. Lindsay.
 Mr. Thomas with Mr. Farnum.
 Mr. Whitener with Mr. Gallagher.
 Mr. Stephens with Mr. Burton of California.
 Mr. Brown of California with Mr. Harris.
 Mr. Stratton with Mr. William D. Ford.
 Mr. Powell with Mr. Resnick.
 Mr. Landrum with Mr. Farnsley.
 Mrs. Hansen of Washington with Mr. Diggs.
 Mr. Casey with Mr. Bonner.
 Mr. Madden with Mr. O'Hara of Illinois.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. GRAY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the conference report just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMITTEE ON AGRICULTURE

Mr. ABBITT. Mr. Speaker, I ask unanimous consent that the Committee on

Agriculture have until midnight tonight to file a report on the bill H.R. 11135.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

RIVERS, HARBORS, AND FLOOD CONTROL

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 588 and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 588

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2300) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Public Works now in the bill and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill, and read by titles instead of by sections. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH] and pending that I yield myself such time as I may consume.

(Mr. YOUNG asked and was given permission to revise and extend his remarks.)

Mr. YOUNG. Mr. Speaker, House Resolution 588 makes in order the consideration of S. 2300 authorizing the construction, repair, and preservation of Federal public works on rivers and harbors for navigation, flood control, and for other purposes.

Mr. Speaker, the rule provides for 3 hours of debate. It is an open rule. It waives points of order and it makes in order the substitute amendments recommended by the committee and as contained in the bill.

As I say, Mr. Speaker, it covers construction, repair, and preservation of certain public works on rivers and harbors and flood control.

The last bill, Mr. Speaker, dealing with this subject was enacted in 1962. There is, on the average, an omnibus bill which has been brought up in the past every 2 to 4 years.

Mr. Speaker, this bill covers 144 projects at an estimated cost of \$1.97 billion in 41 States.



Public Law 89-234
89th Congress, S. 4
October 2, 1965

An Act

79 STAT. 903

To amend the Federal Water Pollution Control Act to establish a Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of sewage treatment works, to require establishment of water quality criteria, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) section 1 of the Federal Water Pollution Control Act (33 U.S.C. 466) is amended by inserting after the words "SECTION 1." a new subsection (a) as follows:

Water Quality
Act of 1965.
70 Stat. 498.

"(a) The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution."

(2) Such section is further amended by redesignating subsections (a) and (b) thereof as (b) and (c), respectively.

(3) Subsection (b) of such section (as redesignated by paragraph (2) of this subsection) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: "The Secretary of Health, Education, and Welfare (hereinafter in this Act called 'Secretary') shall administer this Act through the Administration created by section 2 of this Act, and with the assistance of an Assistant Secretary of Health, Education, and Welfare designated by him, shall supervise and direct (1) the head of such Administration in administering this Act and (2) the administration of all other functions of the Department of Health, Education, and Welfare related to water pollution. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe."

Administration.

(b) There shall be in the Department of Health, Education, and Welfare, in addition to the Assistant Secretaries now provided for by law, one additional Assistant Secretary of Health, Education, and Welfare who shall be appointed by the President, by and with the advice and consent of the Senate. The provisions of section 2 of Reorganization Plan Numbered 1 of 1953 (67 Stat. 631) shall be applicable to such additional Assistant Secretary to the same extent as they are applicable to the Assistant Secretaries authorized by that section. Paragraph (17) of section 303(d) of the Federal Executive Salary Act of 1964 (78 Stat. 418) is amended by striking out "(5)" before the period at the end thereof and inserting in lieu thereof "(6)."

Additional As-
sistant Secre-
tary of Health,
Education, and
Welfare.

5 USC 623 note.

Ante, p. 449.

SEC. 2. (a) Such Act is further amended by redesignating sections 2 through 4, and references thereto, as sections 3 through 5, respectively, sections 5 through 14, as sections 7 through 16, respectively, by inserting after section 1 the following new section:

"FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

"SEC. 2. Effective ninety days after the date of enactment of this section there is created within the Department of Health, Education, and Welfare a Federal Water Pollution Control Administration (hereinafter in this Act referred to as the 'Administration'). The head of the Administration shall be appointed, and his compensation fixed, by the Secretary. The head of the Administration may, in addition to regular staff of the Administration, which shall be initially provided from the personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions; and he may delegate any of his

Establishment.

Transferring
officers.

functions to, or otherwise authorize their performance by, any officer or employee of, or assigned or detailed to, the Administration."

(b) Subject to such requirements as the Civil Service Commission may prescribe, any commissioned officer of the Public Health Service who, on the day before the effective date of the establishment of the Federal Water Pollution Control Administration, was, as such officer, performing functions relating to the Federal Water Pollution Control Act may acquire competitive civil service status and be transferred to a classified position in the Administration if he so transfers within six months (or such further period as the Secretary of Health, Education, and Welfare may find necessary in individual cases) after such effective date. No commissioned officer of the Public Health Service may be transferred to the Administration under this section if he does not consent to such transfer. As used in this section, the term "transferring officer" means an officer transferred in accordance with this subsection.

Retirement
credit.

(c) (1) The Secretary shall deposit in the Treasury of the United States to the credit of the civil service retirement and disability fund, on behalf of and to the credit of each transferring officer, an amount equal to that which such individual would be required to deposit in such fund to cover the years of service credited to him for purposes of his retirement as a commissioned officer of the Public Health Service to the date of his transfer as provided in subsection (b), but only to the extent that such service is otherwise creditable under the Civil Service Retirement Act. The amount so required to be deposited with respect to any transferring officer shall be computed on the basis of the sum of his basic pay, allowance for quarters, and allowance for subsistence and, in the case of a medical officer, his special pay, during the years of service so creditable, including all such years after June 30, 1960.

(2) The deposits which the Secretary of Health, Education, and Welfare is required to make under this subsection with respect to any transferring officer shall be made within two years after the date of his transfer as provided in subsection (b), and the amounts due under this subsection shall include interest computed from the period of service credited to the date of payment in accordance with section 4(e) of the Civil Service Retirement Act (5 U.S.C. 2254(e)).

(d) All past service of a transferring officer as a commissioned officer of the Public Health Service shall be considered as civilian service for all purposes under the Civil Service Retirement Act, effective as of the date any such transferring officer acquires civil service status as an employee of the Federal Water Pollution Control Administration; however, no transferring officer may become entitled to benefits under both the Civil Service Retirement Act and title II of the Social Security Act based on service as such a commissioned officer performed after 1956, but the individual (or his survivors) may irrevocably elect to waive benefit credit for the service under one Act to secure credit under the other.

(e) A transferring officer on whose behalf a deposit is required to be made by subsection (c) and who, after transfer to a classified position in the Federal Water Pollution Control Administration under subsection (b), is separated from Federal service or transfers to a position not covered by the Civil Service Retirement Act, shall not be entitled, nor shall his survivors be entitled, to a refund of any amount deposited on his behalf in accordance with this section. In the event he transfers, after transfer under subsection (b), to a position covered by another Government staff retirement system under which credit is allowable for service with respect to which a deposit is required under subsection (c), no credit shall be allowed under the Civil Service Retirement Act with respect to such service.

70 Stat. 743.
5 USC 2251 note.

Ante, pp. 290,
379.

(f) Each transferring officer who prior to January 1, 1957, was insured pursuant to the Federal Employees' Group Life Insurance Act of 1954, and who subsequently waived such insurance, shall be entitled to become insured under such Act upon his transfer to the Federal Water Pollution Control Administration regardless of age and insurability.

Insurance coverage.
68 Stat. 736.
5 USC 2091 note.

(g) Any commissioned officer of the Public Health Service who, pursuant to subsection (b) of this section, is transferred to a position in the Federal Water Pollution Control Administration which is subject to the Classification Act of 1949, as amended, shall receive a salary rate of the General Schedule grade of such position which is nearest to but not less than the sum of (1) basic pay, quarters and subsistence allowances, and, in the case of a medical officer, special pay, to which he was entitled as a commissioned officer of the Public Health Service on the day immediately preceding his transfer, and (2) an amount equal to the equalization factor (as defined in this subsection); but in no event shall the rate so established exceed the maximum rate of such grade. As used in this section, the term "equalization factor" means an amount determined by the Secretary to be equal to the sum of (A) 61½ per centum of such basic pay and (B) the amount of Federal income tax which the transferring officer, had he remained a commissioned officer, would have been required to pay on such allowances for quarters and subsistence for the taxable year then current if they had not been tax free.

Compensation.
63 Stat. 954.

5 USC 1071 note.

"Equalization factor."

(h) A transferring officer who has had one or more years of commissioned service in the Public Health Service immediately prior to his transfer under subsection (b) shall, on the date of such transfer, be credited with thirteen days of sick leave.

Sick leave.

(i) Notwithstanding the provisions of any other law, any commissioned officer of the United States Public Health Service with twenty-five or more years of service who has held the temporary rank of Assistant Surgeon General in the Division of Water Supply and Pollution Control of the United States Public Health Service for three or more years and whose position and duties are affected by this Act, may, with the approval of the President, voluntarily retire from the United States Public Health Service with the same retirement benefits that would accrue to him if he had held the rank of Assistant Surgeon General for a period of four years or more if he so retires within ninety days of the date of the establishment of the Federal Water Pollution Control Administration.

Special retirement provisions.

(j) Nothing contained in this section shall be construed to restrict or in any way limit the head of the Federal Water Pollution Control Administration in matters of organization or in otherwise carrying out his duties under section 2 of this Act as he deems appropriate to the discharge of the functions of such Administration.

(k) The Surgeon General shall be consulted by the head of the Administration on the public health aspects relating to water pollution over which the head of such Administration has administrative responsibility.

SEC. 3. Such Act is further amended by inserting after the section redesignated as section 5 a new section as follows:

"GRANTS FOR RESEARCH AND DEVELOPMENT

"SEC. 6. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and

Combined sewer systems, pollution control.

sewage or other wastes, and for the purpose of reports, plans, and specifications in connection therewith. The Secretary is authorized to provide for the conduct of research and demonstrations relating to new or improved methods of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes, by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes, except that not to exceed 25 per centum of the total amount appropriated under authority of this section for any fiscal year may be expended under authority of this sentence during such fiscal year.

31 USC 529.
41 USC 5.

Grant
limitations.

"(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by an appropriate State water pollution control agency or agencies and by the Secretary; (2) no grant shall be made for any project in an amount exceeding 50 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration of a new or improved method of controlling the discharge into any water of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes.

Appropriation.

"(c) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1966, and for each of the next three succeeding fiscal years, the sum of \$20,000,000 per fiscal year for the purposes of this section. Sums so appropriated shall remain available until expended. No grant or contract shall be made for any project in an amount exceeding 5 per centum of the total amount authorized by this section in any one fiscal year."

Treatment plant
construction
grants.
70 Stat. 502;
75 Stat. 206.
33 USC 466e.

SEC. 4. (a) Clause (2) of subsection (b) of the section of the Federal Water Pollution Control Act herein redesignated as section 8 is amended by striking out "\$600,000," and inserting in lieu thereof "\$1,200,000."

(b) The second proviso in clause (2) of subsection (b) of such redesignated section 8 is amended by striking out "\$2,400,000," and inserting in lieu thereof "\$4,800,000."

(c) Subsection (b) of such redesignated section 8 is amended by adding at the end thereof the following: "The limitations of \$1,200,000 and \$4,800,000 imposed by clause (2) of this subsection shall not apply in the case of grants made under this section from funds allocated under the third sentence of subsection (c) of this section if the State agrees to match equally all Federal grants made from such allocation for projects in such State."

(d) (1) The second sentence of subsection (c) of such redesignated section 8 is amended by striking out "for any fiscal year" and inserting in lieu thereof "for each fiscal year ending on or before June 30, 1965, and the first \$100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965."

(2) Subsection (c) of such redesignated section 8 is amended by inserting immediately after the period at the end of the second sentence thereof the following: "All sums in excess of \$100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States."

(3) The third sentence of subsection (c) of such redesignated section 8 is amended by striking out "the preceding sentence" and inserting in lieu thereof "the two preceding sentences".

75 Stat. 206.
33 USC 466e.

(4) The next to the last sentence of subsection (c) of such redesignated section 8 is amended by striking out "and third" and inserting in lieu thereof ", third, and fourth".

(e) The last sentence of subsection (d) of such redesignated section 8 is amended to read as follows: "Sums so appropriated shall remain available until expended. At least 50 per centum of the funds so appropriated for each fiscal year ending on or before June 30, 1965, and at least 50 per centum of the first \$100,000,000 so appropriated for each fiscal year beginning on or after July 1, 1965, shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under."

(f) Subsection (d) of such redesignated section 8 is amended by striking out "\$100,000,000 for the fiscal year ending June 30, 1966, and \$100,000,000 for the fiscal year ending June 30, 1967." and inserting in lieu thereof "\$150,000,000 for the fiscal year ending June 30, 1966, and \$150,000,000 for the fiscal year ending June 30, 1967."

(g) Subsection (f) of such redesignated section 8 is redesignated as subsection (g) thereof and is amended by adding at the end thereof the following new sentence: "The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c)."

63 Stat. 108.

(h) Such redesignated section 8 is further amended by inserting therein, immediately after subsection (e) thereof, the following new subsection:

"(f) Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant made under subsection (b) of this section by an additional 10 per centum of the amount of such grant for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term 'metropolitan area' means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof."

Increased grants
for urban
planning.

"Metropolitan
area."

SEC. 5. (a) Redesignated section 10 of the Federal Water Pollution Control Act is amended by redesignating subsections (c) through (i) as subsections (d) through (j), and by inserting after subsection (b) the following new subsection:

70 Stat. 504;
75 Stat. 208.
33 USC 466g.

"(c) (1) If the Governor of a State or a State water pollution control agency files, within one year after the date of enactment of this subsection, a letter of intent that such State, after public hearings, will before

Water quality
standards.

June 30, 1967, adopt (A) water quality criteria applicable to interstate waters or portions thereof within such State, and (B) a plan for the implementation and enforcement of the water quality criteria adopted, and if such criteria and plan are established in accordance with the letter of intent, and if the Secretary determines that such State criteria and plan are consistent with paragraph (3) of this subsection, such State criteria and plan shall thereafter be the water quality standards applicable to such interstate waters or portions thereof.

"(2) If a State does not (A) file a letter of intent or (B) establish water quality standards in accordance with paragraph (1) of this subsection, or if the Secretary or the Governor of any State affected by water quality standards established pursuant to this subsection desires a revision in such standards, the Secretary may, after reasonable notice and a conference of representatives of appropriate Federal departments and agencies, interstate agencies, States, municipalities and industries involved, prepare regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof. If, within six months from the date the Secretary publishes such regulations, the State has not adopted water quality standards found by the Secretary to be consistent with paragraph (3) of this subsection, or a petition for public hearing has not been filed under paragraph (4) of this subsection, the Secretary shall promulgate such standards.

"(3) Standards of quality established pursuant to this subsection shall be such as to protect the public health or welfare, enhance the quality of water and serve the purposes of this Act. In establishing such standards the Secretary, the Hearing Board, or the appropriate State authority shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.

"(4) If at any time prior to 30 days after standards have been promulgated under paragraph (2) of this subsection, the Governor of any State affected by such standards petitions the Secretary for a hearing, the Secretary shall call a public hearing, to be held in or near one or more of the places where the water quality standards will take effect, before a Hearing Board of five or more persons appointed by the Secretary. Each State which would be affected by such standards shall be given an opportunity to select one member of the Hearing Board. The Department of Commerce and other affected Federal departments and agencies shall each be given an opportunity to select a member of the Hearing Board and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. The members of the Board who are not officers or employees of the United States, while participating in the hearing conducted by such Hearing Board or otherwise engaged on the work of such Hearing Board, shall be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding \$100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law, (5 U.S.C. 73b-2) for persons in the Government service employed intermittently. Notice of such hearing shall be published in the Federal Register and given to the State water pollution control agencies, interstate agencies and municipalities involved at least 30 days prior to the date of such hearing. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether the standards published or promulgated by the Secretary should be approved or modified and transmit its findings to the Secretary. If the Hearing Board approves the standards as published or promul-

Hearings.

gated by the Secretary, the standards shall take effect on receipt by the Secretary of the Hearing Board's recommendations. If the Hearing Board recommends modifications in the standards as published or promulgated by the Secretary, the Secretary shall promulgate revised regulations setting forth standards of water quality in accordance with the Hearing Board's recommendations which will become effective immediately upon promulgation.

"(5) The discharge of matter into such interstate waters or portions thereof, which reduces the quality of such waters below the water quality standards established under this subsection (whether the matter causing or contributing to such reduction is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters), is subject to abatement in accordance with the provisions of paragraph (1) or (2) of subsection (g) of this section, except that at least 180 days before any abatement action is initiated under either paragraph (1) or (2) of subsection (g) as authorized by this subsection, the Secretary shall notify the violators and other interested parties of the violation of such standards. In any suit brought under the provisions of this subsection the court shall receive in evidence a transcript of the proceedings of the conference and hearing provided for in this subsection, together with the recommendations of the conference and Hearing Board and the recommendations and standards promulgated by the Secretary, and such additional evidence, including that relating to the alleged violation of the standards, as it deems necessary to a complete review of the standards and to a determination of all other issues relating to the alleged violation. The court, giving due consideration to the practicability and to the physical and economic feasibility of complying with such standards, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require.

Water standards
violations.

"(6) Nothing in this subsection shall (A) prevent the application of this section to any case to which subsection (a) of this section would otherwise be applicable, or (B) extend Federal jurisdiction over water not otherwise authorized by this Act.

"(7) In connection with any hearings under this section no witness or any other person shall be required to divulge trade secrets or secret processes."

(b) Paragraph (1) of subsection (d) of the section of the Federal Water Pollution Control Act herein redesignated as section 10 is amended by striking out the final period after the third sentence of such subsection and inserting the following in lieu thereof: "; or he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities."

75 Stat. 208;
Ante, p.907.
33 USC 466g.

SEC. 6. The section of the Federal Water Pollution Control Act hereinbefore redesignated as section 12 is amended by adding at the end thereof the following new subsections:

70 Stat. 506.
33 USC 466i.

"(d) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

Records.

"(e) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and

Audit of books,
etc.

examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act."

75 Stat. 206.
33 USC 466d.

SEC. 7. (a) Section 7(f)(6) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 6(b)(4)." as contained therein and inserting in lieu thereof "section 8(b)(4)."

33 USC 466e.

(b) Section 8 of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 5" as contained therein and inserting in lieu thereof "section 7".

33 USC 466g.

(c) Section 10(b) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "subsection (g)" and inserting in lieu thereof "subsection (h)".

(d) Section 10(i) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "subsection (e)" and inserting in lieu thereof "subsection (f)".

75 Stat. 210.
33 USC 466h.

(e) Section 11 of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 8(c)(3)" and inserting in lieu thereof "section 10(d)(3)" and by striking out "section 8(e)" and inserting in lieu thereof "section 10(f)".

Short title.

SEC. 8. This Act may be cited as the "Water Quality Act of 1965".
Approved October 2, 1965.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 215 (Comm. on Public Works) and
No. 1022 (Comm. of Conference).

SENATE REPORT No. 10 (Comm. on Public Works).

CONGRESSIONAL RECORD, Vol. 111 (1965):

Jan. 28: Considered and passed Senate.

Apr. 28: Considered and passed House, amended.

Sept. 21: House and Senate agreed to conference report.